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# THE SOLICITORS' JOURNAL.

*LONDON, AUGUST* 1, 1857.

## THE SESSION.

It was no wonder that the prominence given to the subject of law amendment, in the speech of the Lords Commissioners at the commencement of the present session of Parliament, coupled with the previous memorable speech of Sir Richard Bethell at Aylesbury, should have excited considerable expectations in the public mind. There being no absorbing question of political interest to occupy the time of the House during the session, it was generally believed that a number of useful measures, to which the legal members of the Government professed to have devoted their particular attention, would have been passed without unnecessary delay. The difficulty was to imagine any obstacle. The Bills, we were told, had been prepared with the utmost care, on the best information, by the most competent persons. No Minister ever had to deal with a more manageable Opposition. In fact, on the subject of law reform, there could not be said to be any opposition; for here, at all events, the great majority, both of Lords and Commons, reflected the opinions and desires of the country. The ability of the Attorney-General was admitted by every one; and his anxiety to achieve legal reforms was so frequently and earnestly proclaimed by himself, that people had begun at length to believe in its existence. It was not unreasonable, therefore, that the friends of law reform should have indulged in high hopes of what would be accomplished, under such auspicious circumstances. It is because so little has been, or we fear will be, accomplished before the session closes, that we somewhat anticipate that event; and we do so in the hope that something may yet be done, if the professed friends of law reform who have seats in Parliament are true to their cause.

The measures for which Ministers expected especial credit are those relating to Testamentary and Matrimonial jurisdiction, and to Fraudulent Breaches of Trust. Indeed, they have not proposed any others of much importance, except the Insolvent Joint Stock Companies Bill. Notwithstanding the very elaborate report of the Registration Commissioners, and the other abundant materials for legislation, on the law affecting the transfer of real estate, they have not even pretended to deal with it; and if we may judge from a recent observation of the Lord Chancellor in the House of Lords, it appears very problematical whether they mean ever to do so. The institution of a department of justice is another matter of hardly less moment, the consideration of which has been also indefinitely postponed, nor has anything been attempted towards carrying out the improvements in the language and manner of legislation, which were suggested some time ago in the report and evidence of the select committee on the Statute Law Commission. We have no desire, however, to make out a catalogue of all the measures which the Government ought to have undertaken, but which they have left untouched. A more useful inquiry is, how they have done what they have attempted? And here lies the secret of the want of success which has hitherto characterised most of their attempts at law amendment.

Of all the Government legal measures of the session, unquestionably the most important is the Probates aad Administration Bill. Now, our complaint is, that, both as to last session and the present, either an ill-considered Bill was laid before Parliament, or else one purposely much less useful than it might have been. Since the Lord Chancellor laid his first Bill upon the table of the House of Lords to the present time, the utmost uncertainty and vacillation have been exhibited in dealing with it by the law advisers of the Government. First of all, there was to have been a transfer of the contentious business to the Court of Chancery; then, in deference to popular clamour, there was some mystification about engrafting upon that tribunal a common law procedure in all testamentary business; for a while it was uncertain whether Mr. Collier's proposal for a transfer to the common law courts might not be adopted; and lastly, by way of escape from the rivalry of the two sides of Westminster Hall, there is to be a new court, and a new judge, who may be either an advocate or a member of the equity or the common law bar. Still more remarkable was the treatment of a question which affected the very principle of the Bill. It is impossible to deny that the only serious opposition which it has hitherto encountered came from the warmest supporters of the principle which it proposed to embody, and to the success of that opposition we now owe the abolition of the limit proposed for district probates, in respect of the amount and the kind of property of which testators resident in the district might die possessed. The strangest feature of this part of the case is the declaration of the Attorney-General, when he discovered the House of Commons to be almost unanimously opposed to restricting country probates as to the amount of property, that his own opinion fully coincided with that of the majority. At the same time, it would be unjust to deny the Lord Chancellor and the Attorney-General the praise of having perseveringly endeavoured to pass this measure; and we earnestly hope that their efforts will not be defeated by the opposition with which it is menaced by the proctors, when the question of their compensation comes to be discussed.

The fate of the Fraudulent Breaches of Trust Bill cannot yet be regarded as certain. That part of it which applies to the case of ordinary trustees has elicited considerable disapprobation. The remainder of the Bill, which relates to directors and officers of Joint-Stock Companies, on the contrary, has met with nothing but approval. The policy of including the former class of persons in an Act intended principally for the latter is questionable. Without some such provisions as those contained in Lord St. Leonards' Bill for the Relief of Trustees, the effect of Sir Richard Bethell's Bill would probably be to deter the great majority of persons from accepting the onerous and unprofitable office of trustee. With so great a risk of innocently suffering heavy pecuniary loss, as exists in the present state of the law, it only wants the additional terror of criminal proceedings to frighten men of ordinary nerve from undertaking the office. The same objections have manifestly no application to the paid officials of public companies; and there is no reason why they should all be placed together in the same category. But, however the House of Lords may deal with the clauses relating to trustees, there appears to be little room for doubt that those applying to other classes of persons will be enacted; and so far Sir

Richard Bethell will have rendered English jurisprudence a substantial service, by removing doubts as to criminal liability, where none ought to exist.

Apart from the Divorce Bill, of which the prospect is not hopeful, the Insolvent Joint Stock Companies Bill is the only remaining Government measure of importance. It has now received its third reading in the House of Lords, and therefore its success is certain. Its effect must be very beneficial both to the shareholders and the creditors of insolvent companies. Under its operation, the interminable and ruinously expensive proceedings, the disgraceful conflict of jurisdictions, and the cruel persecution of shareholders, which were consequent upon the failure of the British Bank, need never be witnessed again; and we have no doubt that when it becomes law it will be hailed as a boon by tottering companies, many of whose members, under the existing law, would be ruined in the event of winding up.

We have now exhausted the list of the legal achievements of the session, unless, indeed, the group of eight Bills purporting to be a consolidation of certain branches of the criminal law are to be included in the number, which we are most unwilling to allow. In themselves they do not possess any strong claim upon our admiration. And considering that they are not merely attempts at consolidation, but also at alteration in a very important department of the law, we cannot but wish for their rejection by the House of Commons, if for no other reason, because of the late period when they were introduced, and of the vicious principle involved in delegating the proper functions of the Legislature to the *employés* of the Statute Law Commission. That learned body has been now for some years at work. It has had the help of a paid member and a numerous staff of assistants; and if it can do nothing more than contribute at the last moment such a batch of Bills as those presented lately to the House of Lords, it is high time that its functions should cease, and that the work of consolidation should be placed in other hands. We regard these eight Bills as nothing more than an attempt to prolong the existence of the Statute Law Commission, by an exhibition of vitality which may save it from the reproach of utter worthlessness.

On the whole, the public will be disappointed at the slight results which have followed from the great promises of law amendment, which ushered in the present session. We anxiously hope that the Probate Bill, at all events, will be the law of the land when Parliament is prorogued. If nothing further is achieved, that of itself will not be a contemptible instalment, and we shall be happy to find others of equal value in the programme of Ministers next February. Amongst these, above all, should be a well-considered Bill to facilitate the transfer of land. If the Lord Chancellor, or the Attorney-General, be not then prepared with such a measure, they may be assured that that most necessary task will be undertaken by some independent member of the Legislature.

## LORD BROUGHAM'S REGISTRATION BILL.

If Lord Brougham's Transfer of Real Estate Bill had been introduced with a view to actual legislation, we should be obliged to enter our most decided protest against the scheme. We presume, however, that the only object of the learned and energetic Lord was to stimulate the activity of the Attorney-General in the preparation of the measure which he has promised to frame upon the basis of the Report of the Commission. The defects which are apparent on the face of Lord Brougham's scheme may, however, serve to direct attention to the difficulties which will have to be surmounted in preparing a comprehensive Bill, such as to do justice at once to the public and the profession. In this view, therefore, it will not be altogether lost time to examine the general outline of the machinery by which Lord Brougham proposes to simplify the present practice of conveyancing. After a series of clauses providing for the appointment of a hierarchy of Registrar-General, Recorders, and Registrars, and for the parcelling out of the country into divisions and districts, the powers and duties of the officers are prescribed. Their first business is to be the formation of a map for every district, a matter on which it will be remembered the Commission pronounced no very definite opinion, but which, we believe, will, on any system, prove to be an indispensable preliminary. The proceedings by which the accuracy of the official map is intended to be secured may furnish some useful suggestions. In the first place, a discretion is given to the Registrars to avail themselves of the Ordnance and Tithe Commutation maps where these are found to be sufficient in scale and accuracy, or, if necessary, to institute new surveys to perfect the plans. After the map has been laid down, due publicity is to be given by means of notices, and the Recorder of the division is to hold a sitting for the examination of all objections on the part of landowners who may consider their boundaries not to be defined with sufficient clearness and accuracy. When all necessary corrections have thus been introduced, the map is to be authenticated by the official seal; and machinery is also provided for the correction from time to time of any errors which may arise by the alteration of boundaries, the progress of building, or any other causes. This is so far well, but, having got his map, Lord Brougham is determined to make it the only basis of registration. Parcels are to be described by reference to letters in the map; and if any stickling purchaser is anxious to have the identity of his land made more secure by the addition of verbal descriptions, he is not to be permitted to insert them in his conveyance, but is to be forced to adopt the clumsy contrivance of a supplementary instrument to specify the parcels. It is a strange way of simplifying conveyances to cut a deed into two, and describe the property on one piece of parchment, and convey it by another. This, however, is only introductory to a much more objectionable proposal — namely, that the deed of conveyance or mortgage shall be in all cases prepared, not by the purchaser or mortgagee, but by the registration officers, a plan which needs only to be stated to be condemned. What is wanted is to simplify the transfer of land with the least possible infusion of officialism, and not to take the conveyancing business of the whole country, and hand it over bodily to an army of registrars and recorders. Registrars will have quite enough to do with their own business of registration without making them universal draftsmen, to the hazard of all who deal in land, and to the obvious detriment of the profession, who know how to do the work at least as well as any local officers who would be likely to be appointed under the provisions of the Bill if it were ever to become law.

These are objections to the machinery rather than to the principle of the Bill, though they are of too sweeping a character to be regarded as otherwise than fatal to the whole scheme. But the principle of the project, if it have any, is at least equally open to comment. Whatever else may be the result of the Report of the late Commission, we take it to have finally established the much disputed, but really obvious, conclusion, that any system of registration of assurances can lead to nothing but increased complication and additional expense. The question now on trial is, whether registration of title, as distinguished from registration of documents, can or cannot be worked out with efficiency and safety. In terms Lord Brougham seems to admit that this is the actual position of the inquiry, for he is careful to adopt the phraseology which is appropriate only to some such method as the Commissioners have sug-

gested. Thus his Bill provides for the formation of what is termed an "Index of Titles;" but upon examination of the enacting and explanatory clauses, it turns out that the index is intended to be nothing whatever but an index of deeds and documents. The very first thing to be borne in mind in devising any scheme of registration is, that there are two distinct principles, on one or other of which you must of necessity proceed. Either you may make the registration conclusive, subject to the title of the first registered owner being good, or you may warrant the title, of course after a due investigation with sufficient notice to all interested parties. The Commissioners entered very fully into the consideration, whether it was advisable to give a parliamentary title in every case. They decided, for what seemed to us unanswerable reasons, against such a plan, and explained, in some detail, the procedure by which those who desired to procure an official warranty might be enabled to do so. It was a matter of course that such a machinery should not be allowed to work injury to an absent party, whose interest might not be discovered before the conclusion of the proceedings and the grant of an indefeasible title. The greatest precautions were intended to be used to prevent any steps being taken without due notice to all who could have any possible claim; and in the rare instances in which wrong might inadvertently be done notwithstanding such safeguards, compensation was to be made at the public expense. It is clear that it is only by the force of some such provisions as these that it can be possible in any case for a purchaser to dispense with an investigation of the title prior to the first registration; but Lord Brougham appears to contemplate a much shorter cut to this end. The Bill contains no provision in the case of a register of a purchase for any judicial investigation of title, nor is compensation offered in the event of an estate being registered in the name of a usurper. If a true owner afterwards turns up, there is nothing that we can find in the Bill to prevent his displacing those whose names appear on the series of transactions which may be entered in the official index. It follows, that a purchaser from any of these latter persons can only be safe after investigating the title as fully as if no registration had taken place; and yet the Bill proceeds to enact that no person whose name shall have been placed on the register shall be required to deduce a title beyond the fact of registration, of which the certificate of the registrar is to be sufficient evidence. In other words, the Bill proposes to simplify conveyancing, by enacting that, in future, purchasers shall not be entitled to insist on any title being made. It would be in effect precisely the same thing to enact that henceforth there shall be no more purchases or other dealings in land. This certainly is an original method of facilitating the transfer of real property.

## Legal News.

### THE CONSOLIDATION BILLS.

*(From the Daily News).*

This is surely rather sharp practice. Here are no less than seven Consolidation Bills, on some of the most important branches of the criminal law. Larceny and all other descriptions of criminal misappropriation; forgery; coinage offences; malicious injuries to property; offences against the person; the law relating to accessories and abettors; and the law, both criminal and civil, relating to Libel—a collective mass of legislation occupying 120 pages of parliamentary foolscap—thrown before the House of Commons on the 31st of July, within a few weeks of the close of the session, and at a period of the year when a great proportion of the legal members of the House are notoriously absent on circuit. On the 29th of July these Bills were first placed in the hands of members; on the 31st the House is to be asked to assent to their being read a second time. We are well aware of the apology which will be made in extenuation of this paroxysm of legislative haste. It will be urged that these Bills are to a great extent simply a consolidation of the existing law. As far as this plea is urged with truth, we are not disposed to question its validity. In all exertions of legislative power there are two main points to be attended to—the matter and the manner of legislation. Is the proposed law expedient in its objects? is one question; is it so expressed as to carry out those objects? is another question. The two questions fall within the province of different orders of men. The first question is a question for legislators, the second for lawyers. Parliament is the only tribunal for the one; a committee of legal members of the House of Lords is no doubt admirably fitted to decide on the other.

If these seven Bills merely consolidated the existing enactments on the subjects with which they deal—if they did nothing more than re-enact with judicious improvements in legislative language the criminal statutes which have accumulated since the consolidation Acts of Sir Robert Peel, and fuse the whole incongruous body of law into one homogeneous mass—we at once admit that there would be great force in the argument, that the House of Commons would be well advised not to interfere in the matter, but to take it for granted that they could hardly improve, in point of form, what the utmost science of the greatest lawyers of the day had been sedulously employed in bringing as near as possible to perfection. But the case is not so. In the first place, even in point of form, it may well be doubted whether this consolidation of the criminal law makes any very near approach to that ideal standard of lucid accuracy and comprehensive terseness of expression which the public have a right to expect in model legislation. It ought to be generally understood that these Criminal Law Consolidation Bills are a totally different thing from the long-promised criminal code. The latter is still in embryo. Many hundreds of thousands have been lavished, many commissions have sate, upon it. The public have nothing to show for this waste of money and time but a few fragments of codification, buried in a mass of learned annotations, and still more deeply sepulchred within the dusty covers of forgotten Blue Books. The seven Consolidation Bills which the House is to be asked to read a second time to-night are a far humbler effort of legislation. There is nothing scientific about them; they aim at nothing higher than the collection, into seven Bills, of provisions now scattered through more than seventy times seven Statutes. Their authors are the working members of the existing Statute Law Commission, and, without any desire to be hypercritical, we must be allowed to doubt whether some of the Bills, especially that relating to offences against the person, do not present omissions and inaccuracies which, even in point of form, would render it somewhat inexpedient to impress on them, without due deliberation, the final sanction of the Legislature.

But the danger of hasty legislation in respect to these seven Bills does not arise only from defects of form or from errors of omission: it depends on the fact that several of these Bills, more especially those relating to coinage offences and offences against the person, contain new provisions, the expediency of introducing which is a grave matter for the consideration, not of legal draftsmen, weighing words and phrases, but of statesmen, weighing thoughts and things. We will take only a single instance from the "Offences against the Person Bill." The Report prefixed to this Bill states, that "Section 36 underwent much discussion in the Lords' Committee, and was framed expressly to prevent the too-prevalent ill-treatment of women and children, by giving a much more severe punishment than can now be awarded in such cases." Turning to the Bill, in order to see the mode by which this laudable object is proposed to be carried out, we read as follows:—"S. 36. Whosoever shall unlawfully and maliciously cause any bodily harm or do any violence to the person of any child under the age of ten years, or of any woman, shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding three years, with hard labour." Now we have no wish to animadvert on this clause in the narrow spirit of legal criticism. We have no desire to point out, what is on the face of the clause itself sufficiently obvious, that it vests in the tribunals an excessively wide discretion—a discretion under which any assault, however trifling—"any bodily harm or any violence"—an abrasion, a bruise, or a blow—may be punishable with not less than three years hard labour. We would simply submit, that the expediency of thus far extending the power of imprisonment now possessed in such cases, is a question not for lawyers but for statesmen—not for a committee of the law lords up-stairs, but for free and public discussion by both Houses in their capacity as legislators. If

this be so—and that it is so really admits of no reasonable doubt—it follows, as a necessary consequence, that it is really idle to ask the House of Commons on the 31st of July to pass judgment on seven Bills, none of which were delivered to the House before the 29th of July, and several of which — we would instance especially the Coinage Offences Bill—involve not only a consolidation of the existing law, but the introduction of much which is absolutely new law.

If, indeed, these seven Bills were so perfect in form as to realise in that respect the ideal of criminal legislation, we might be disposed to urge on the House of Commons a suspension of its proper functions, as a means of securing with all possible speed so inestimable a benefit to the country. But this is simply not so. The Bills are, with some noticeable exceptions, respectable specimens of the improved style of parliamentary drafting; nothing more. In as far as they bring together the *disjecta membra* of the criminal statutes, they would no doubt save the practitioner some trouble of reference; but even in this respect we fail to see that they would possess any marked advantage over the current edition of "Jervis's Archbold." On the other hand, the amendments they propose to introduce in the law, however admirable and useful in themselves (as to which we pronounce no opinion), ought certainly not to be pressed through Parliament without abundant opportunity of discussion and deliberation. The country will not suffer for having to wait a year longer for this result of the labours of Mr. Bellenden Ker's Commission; but it would be eminently discreditable to all concerned, if impracticable or unstatesmanlike provisions were allowed to become law, merely because the House of Commons was asked to ratify without examination what a committee of law lords had seen fit to approve.

## COMMITTEE FOR PRIVILEGES.

THE GREAT SHREWSBURY CASE.—HOUSE OF LORDS, *July* 16.

(*Continued from p.* 637.)

The Registries of Albrighton, Salwarpe, and other places were produced by various witnesses, for the purpose of proving the burial of several of the persons mentioned in the pedigree.

The Rev. Dr. Winter, a Roman Catholic priest, said he had formerly been private chaplain to the late Earl. He saw him buried.

Cross-examined.—In a conversation he had with the sixteenth Earl, the predecessor of the late Earl, he was told that "Lord Talbot of Ingestre had no more claim to the title and estates than this writing pen." The Earl at the same time held up a pen in his hand.

Re-examined.—The Earl made that remark in consequence of witness having told him he had heard a rumour, that, in the event of Bertram Arthur's death, Lord Talbot would succeed to the title and estates.

By Lord ST. LEONARDS.—No more conversation took place on the subject. He asked the Earl the question abruptly. Bertram Arthur, afterwards the seventeenth Earl, was the nephew of the sixteenth Earl, and was living in the same house with his uncle when the conversation occurred.

Proof was then given of the death of the remaining members of the second branch without leaving issue, and thus the second line of the pedigree was completed.

With respect to the third line a curious book, called the "Benefactors' Book," was tendered, containing a pedigree alleged to be signed by Sir Gilbert, the son of Sir John of Albrighton, and the brother of John of Salwarpe. The origin of this book was as follows:—At the time of the great fire of London, the Heralds' College was burnt down, and in order to raise the then large sum of £5,000 for the purpose of purchasing land and rebuilding the College, a Royal Commission issued, directed to the nobility and gentry, urging them to raise the necessary funds, and directing the heralds to make a book, to be called the "Benefactors'," in which the pedigrees of all persons so subscribing were to be entered, "together with their marriages, issue, and liberality, for the remembrance of future ages." In the first place, proof was tendered of the authenticity of Sir Gilbert's signature by means of an acknowledged authentic will being placed before experts in the art of comparing handwritings, and then the signature in the "Benefactors'" was shown them.

Mr. Serjeant *Byles* objected to this method of proceeding.

Sir *F. Thesiger* contended that their Lordships would hear this evidence, because, in the first place, if they were bound by the rules of civil judicature, they must receive the evidence in accordance with the Act of Parliament; and, secondly, if they were not bound by the Act, they would not reject themselves what they had considered a just and convenient course to be adopted by other tribunals.

After some further discussion the proof of the handwriting was admitted, and several persons skilled in the art gave it as their opinion that the handwriting in the will and that of the signature in the "Benefactors'" was the same.'"

The pedigree entered in the "Benefactors'" was then tendered as evidence upon two grounds,—first, as an official document, and secondly as a pedigree signed by a member of the family, and containing statements respecting that family.

Mr. Serjeant *Byles* objected to the entry being given in evidence —first, upon the ground that it was not an official document, inasmuch as, unlike the Heralds' "Visitations," no search was required to be made by the Heralds before the entry was made, for the purpose of establishing its truth; and secondly, because the entry, having been made with the intention of its being made an official document, it could not be called a private pedigree signed by a member of the family.

The *Attorney-General* said, that he considered the entry was not an official document, and, inasmuch as there were several blanks in the pedigree, he did not think it could be admitted as evidence.

Sir *F. Kelly* submitted that the pedigree did not pretend to be complete, but merely to be true as far as it went. He contended that it ought to be received in evidence.

Lord ST. LEONARDS said that the "Benefactors'" had been admitted in evidence in 1804 by their Lordships in the De Ros peerage.

Sir *F. Kelly* said, that, if there had been any ground of objection, the Attorney-General of the day would not have allowed it to be received in evidence.

The LORD CHANCELLOR said, that this was a very important point, and his strong conviction was, that, leaving open all question as to the weight that ought to be given to it, it ought to be received in evidence, upon the ground that the "Benefactors'" was legitimate evidence to satisfy their Lordships that this was a pedigree made by a member of the family, whether signed by him or not; the signature being merely for the purpose of showing who the person was who drew up the pedigree. In his opinion the book had been in proper custody. At all events, they might take it safely as a statement made by a member of the family as to the state of the family at the time. It was not now necessary to say whether, if there had been no proof of the handwriting, that it would have been admissible in evidence, but at the same time he did not think that the "Benefactors'" stood upon the same footing with the Heralds' "Visitations," which were *quasi* judicial proceedings. In the present case there was no evidence to show that the Heralds made any search before they entered the pedigree, to ascertain its correctness.

The other Lords having concurred,

The "Benefactors'" was put in evidence, and the entry read.

*July* 17.

Further documentary evidence was given in proof of the third line of pedigree. An objection, which was overruled, was made by the counsel opposing the claim to a copy of an inscription upon a monument erected by William Talbot, Bishop of Durham, to the memory of his father. An objection was also made to the evidence, as insufficient, of the marriage of William, Bishop of Durham, with Catherine, his supposed wife.

Lord Belhaven was examined with respect to certain conversations he had had with the sixteenth Earl and Lady Shrewsbury as to the state of the family. He was told by them that Bertram Arthur, the late Earl, would keep the Protestant branch out of the title.

*July* 27.

Sir *F. Kelly* tendered some slight further documentary evidence on behalf of the claimant, and he was then proceeding to sum up the claimant's evidence, when

Lord ST. LEONARDS said, the House could not hear him until after the cases of the parties who appeared in opposition to the claim had been concluded. Major Talbot had sent in a document by which he declined offering any active opposition to the claim, but he prayed to be allowed to watch the case. The House would, therefore, only hear Mr. Serjeant Byles and the Attorney-General against the claim.

Mr. *R. Palmer*, on behalf of Major Talbot, said he had received new evidence, which he was prepared to lay before their Lordships.

Lord St. Leonards.—Are you prepared to produce the evidence at once?

Mr. *R. Palmer* said, certainly he was.

The Lord Chancellor asked if there was an affidavit to that effect?

Mr. *R. Palmer* said that one could be prepared at once.

Sir *F. Thesiger* said, that Major Talbot had adopted a singular course. He had first been permitted by the indulgence of their Lordships to lodge a case, and then, having declined to offer any active opposition, he now sought to give evidence without having lodged any case at all.

Mr. *R. Palmer* said he must have made himself misunderstood, for he merely wished to inform their Lordships that he had obtained fresh evidence. He did not propose to produce it before the House. He merely wished to watch the case.

Sir *F. Thesiger* said he had no objection to his learned friend watching the case, provided he remained silent.

At the suggestion of the House,

Mr. Serjeant *Byles* proceeded to open the case of the Duke of Norfolk's second son, in opposition to the claim, by saying that there was no wish on the part of the Duke of Norfolk to controvert any honours or emoluments to which Lord Talbot might lay claim. He had not the slightest idea of this devise to his younger son until the death of the late Earl. He, however, was the natural guardian of his child, who was an infant not merely in the legal sense of the word, but a child of a few months old, and, therefore, he was bound in duty to that child to defend its possessions. He should show at least thirteen persons as to whom no reasonable evidence had been given that they had died without issue. He could not entertain any reasonable doubt that this was not the last claim to the earldom of Shrewsbury which their Lordships would have to decide upon. Their Lordships would recollect the case of Lord Willoughby, in which the title had been in the possession of a younger branch of the family for a period of 150 years, at the expiration of which time an obscure person, living on Tower-hill, came to their Lordships' House and proved to demonstration that he was the true heir to the title through the elder branch, and he took his seat in this House as a Peer. It was only within the last eleven months that the issue of the first Earl of Shrewsbury, whoever they might be, had received notice that they might be entitled to this splendid inheritance. It was most likely, from information they had received, that several persons would put in their claims to the title. It was true that there had been notices in the public newspapers, but it was not until this case had been published, and the evidence laid before the world, that the parties would know of their rights. He submitted that the case required the most extraordinary vigilance on the part of their Lordships, for they had to go back for 300 years through the pedigree of a most prolific family, in which there had been many second marriages, and which was now submitted for the first time to anything like a judicial investigation. There was already one person at their Lordships' bar who claimed to have sprung from an issue not mentioned in the case of the claimant; and if time were allowed, there was no doubt but that more persons would have appeared before their Lordships. According to the Act of Parliament, a person had nothing to do but to show that he was the real Earl of Shrewsbury, and he would enter at once into the possession of £45,000 per annum. Whoever was to hold the estates, were it Lord Talbot or were it the Duke of Norfolk's second son, they would always hold it with the sword of doubt suspended over their heads, as the moment a new person proved his right to the title, the estates under the Act of Parliament would pass to him without regard to the Statute of Limitations. He (Mr. Serjeant Byles) did not wish to express any disrespect to the judges who were to decide this claim; but he must observe the fact, that, at the fag end of the first session after the late Earl's death, Lord Howard was threatened with the loss of these estates without his having been enabled to prepare his case, or obtain sufficient evidence. He should, however, make such observations upon the claimant's case as he considered necessary, and he should also lay before their Lordships such evidence as he had in his power. He would not trouble their Lordships by going into the claimant's pedigree at large, but he would content himself by simply laying before their Lordships the weaknesses which presented themselves to his mind in looking at the claimant's case. Before he proceeded to open the case on behalf of the Duke of Norfolk, he begged to remind their Lordships that Sir F. Thesiger said that he should mainly rest his case upon two documents—the recital in the private Act of Parliament of 1718, and the Benefactor's Pedigree. He could not do justice to the case which he should have the honour to present to their Lordships unless he were indulged with an opportunity of making some observations upon these two pieces of evidence; for if they were to be received by the House without any such observations at all, the difficulties with which he should have to contend would be much increased. He would call their Lordships' attention, in the first place, to the recital in the deed of 1718, executed a year after the death of the Duke of Shrewsbury, and the circumstances under which that recital was introduced in the deed. The father of the Duke was Francis, the eleventh Earl, who was killed in a duel, and his eldest son Charles was left a minor; and the executor of this Francis was William of Wittington, who, it was said by the claimant, was the father of the Bishop of Salisbury, and who, at all events, must have been perfectly well known to the Duke of Shrewsbury. Most of the members of this illustrious family were Catholics. The Duke of Shrewsbury made the settlement of 1700 when he was in the country, and after he had retired from public business. He would beg their Lordships' attention to the condition of the Catholics at this time, because it would have a most important bearing upon the case. In the early part of the year 1700, an Act of Parliament, the 11 & 12 Will. 3, c. 4, was passed, entitled "An Act for further Preventing the Growth of Popery." The provisions of that Act seemed almost incredible to us of the present time. It gave a reward of £100 to any informer who should convict a Roman Catholic bishop, priest, or gentleman, of celebrating mass, and the 2nd section inflicted imprisonment for life upon the parties so offending. The 3rd section was the most important; it rendered Catholic landowners incapable of taking or holding lands, and enacted, that if within six months after coming to the age of 18, Catholics did not abjure their faith by making a declaration against transubstantiation, their estates should go at once to the next of kin being a Protestant. The title and the lands were thus at the mercy of their nearest relations, and any informer might inflict upon them these severe penalties, without incurring the risk of which they could not practise the sacred rites of their most august religion.

Lord Brougham.—What did you say, Mr. Serjeant Byles—of what religion? We did not hear you distinctly.

Mr. Serjeant *Byles*.—Of their religion; he would use that term if their Lordships preferred it. Under these circumstances he would point their Lordships' attention to the state of the family at this period. Gilbert was a Catholic priest, and George was also a Catholic. Sir John, of Longford, was a Catholic next in succession, and Sir John, of Lacock, was the only Protestant. John of Longford had no children. The Bishop of Salisbury was perfectly well known to the Duke, who had been his benefactor, and who it might be presumed wished to benefit him further. It was under these circumstances that the Duke had to settle very large estates in his name and blood. The Duke, who appeared to have been a person of very great wealth indeed, in settling his estates only made the bishop a trustee, and did not leave them to the bishop as a possible heir to the title, but rather excluded him from the possession of them, which would not have been done supposing it was known he had a chance of becoming the Earl. He submitted that the bishop was not in the position that the claimant endeavoured to place him in, or that the Duke knew that between himself and the bishop there were a great number of persons who would have a prior claim to the title and the estates. The recital in the deed, he should contend, was made at the instance of the bishop, and was, therefore, not a proper document to be received in evidence by their Lordships. With respect to the pedigree contained in the Benefactors', he contended that the proof of the signature of Gilbert Talbot to it was not sufficiently proved by the comparison of the initial letters "G. T." on Gilbert Talbot's will, with the signature purporting to be his in the Benefactors'. Besides this want of authenticity, he should show that there were a great many erasures, and upwards of thirteen persons who would be proved to have existed, of whom the Benefactors' made no mention, and who were not proved by the claimant to have died without issue. Under these circumstances he trusted that their Lordships would not allow the claim of Lord Talbot to the title of Earl of Shrewsbury.

*July* 28.

Mr. Serjeant *Byles* proceeded to produce evidence for the purpose of showing the incorrectness of the Benefactors' Pedigree. In order to show this, several ancient wills, deeds, and inquisitions were tendered, in which a great many persons bearing the name of Talbot were referred to, who were not mentioned in the Benefactors' Pedigree. Among these were a Sir Humphrey

Talbot and a John Talbot, said to be the issue of the first Earl of Talbot by a second marriage. In the first line a Thomas was mentioned, said to be a brother of the fourth Earl, of whom all subsequent trace was lost. William, a son of the fourth Earl, said to have died without issue, was stated in certain documents to have had a son, Walter, of whom no subsequent trace could be found. As to the second line, Sir Gilbert of Grafton was said by the claimant to have had by his first marriage only one son, Gilbert; but in the will of the above-mentioned Sir Humphrey, Sir Gilbert of Grafton was said to have had a second son, Humphrey. A will of Gilbert, the eldest son, stated that he had two sons, Humphrey and Walter. Walter was said to have had issue who could be traced for several centuries. Sir John of Abbington was stated to have had two sons and five daughters by his first marriage, which were not mentioned in the Benefactors', and John, the tenth Earl, was said to have had a third brother, Gilbert, living in 1609. With respect to the third line, the claimant's pedigree was admitted to be correct down to Sherrington of Rudge, who was stated by the Benefactors' to have had six sons, all but one of whom died without issue. By the deeds put in evidence it was now attempted to be proved, that, besides the six sons, he had four daughters, and that the sixth son, Gilbert, said to have died without issue, had one son and two daughters. Charles, a grandson of Sherrington, was also said to have had issue, mentioned in certain deeds. Another grandson of Sherrington, not mentioned by the Benefactors', was stated to have had issue. By his second marriage, according to the claimant's pedigree, Sherrington had three sons, of whom George and Edward were said to have died without issue, whereas it was now attempted to be proved that George had a son William.

If the case thus endeavoured to be made out by the parties in opposition be correct, the title and estates have been in the hands of wrongful possessors for upwards of two centuries, and not one of the present claimants would be entitled to them. Thus the second son of the Duke of Norfolk would be able to keep possession of the estates until some person came forward who could make out his claim to the title to their Lordships' satisfaction.

At the conclusion of the documentary evidence,

The Rev. Dr. Logan and the Rev. Dr. Rock, both Catholic clergymen, were called for the purpose of speaking to conversations they had had with John, the last Earl but one of Shrewsbury, in which he had said that Lord Talbot had no claim to the earldom in case of Bertram's death, and that he did not belong to the same family.

The Rev. Dr. Rock said he had had his attention drawn to the evidence of Mrs. Hibbard, which appeared in the *Times*, and knowing that he could give evidence in contradiction to hers, he had felt it his duty to tender it.

*July* 30.

Several witnesses were called this morning on behalf of the parties opposing the claim to speak to conversations which they had had with John, the sixth Earl, in which he said Lord Talbot had no claim to the title.

At the conclusion of the evidence offered in opposition,

Sir *F. Thesiger* proceeded to produce evidence in contradiction to the suggestions of the parties opposing. Some of the persons mentioned by the deeds produced on Tuesday were shown to have been illegitimate, others were shown to have belonged to branches of the family younger than that through which Lord Talbot claimed.

At the conclusion of the evidence in reply,

On the application of Mr. Serjeant *Byles*, the further hearing was adjourned until this day week, and the evidence was ordered to be printed.

## BANKRUPTCY REFORM.

(*From the Times*).

The statement just made by Lord Brougham on the existing defects of the bankruptcy courts will, perhaps, stimulate the Government during the approaching recess to prepare a scheme of amendment. But, although the improvements urged were far from extensive, the tone of the Lord Chancellor afforded little hope that they are likely to be vigorously taken up. The great evil of the present condition of the question is the damage it inflicts upon public morality. Everything that deters creditors from bringing the conduct of failed firms before an impartial tribunal operates as an encouragement to the fraudulent trader. Where affairs are wound up under private inspection the representations of the debtor are always more or less taken for granted, and while the honest man abstains from turning this fact to his own advantage, it proves to the unscrupulous an irresistible temptation. Both, however, occupy afterwards the same position in society. Indeed, if there is any difference, it is against the honest man, since he frankly admits all his mistakes, while the more practised operator resorts to every kind of concealment and sophistry, and usually ends by extracting a general expression of "sympathy" from his deluded supporters. The records of the past few years indicate the field that is open to every bold adventurer. He may go on with a lavish personal expenditure, and wind up with liabilities for £100,000—they must never be less than £50,000 if he desires to be respected—and at the end, although he may be unable to show assets for more than a quarter of that amount, or to give a single satisfactory reason in the shape of unforeseen calamity to account for the disappearance of the remainder, he can rely that few questions will be asked, and that the whole matter will be smoothly adjusted. Should any dissatisfied sufferer manifest a disposition to severity, it is only necessary that some friend of the insolvent, after enlarging upon the readiness shown by that gentleman to facilitate the liquidation—he having actually offered to continue his best services in the cause for three months, or even longer, on a proper allowance being made to him—should threaten every obstructive with the fact that if any want of unanimity is shown, the case must be carried into bankruptcy, where, instead of 4*s.* or 5*s.* in the pound, which might now be realised, there will, at the best, be a prospect of half-a-crown. From that moment all opposition is over. The creditors sign a deed of arrangement, write off their losses, wait patiently for the small pittance promised, and never make another inquiry. That such results should be witnessed, when, as Lord Brougham observed, speaking from the experience of the past three years, out of 120 bankruptcies, with assets amounting in the aggregate to £90,000, the creditors got only £44,000, the whole of the balance having been swallowed up by expenses, can hardly create surprise. Even under the best system, the inducements on the part of creditors to shun a public court are very strong, since those who have made large losses are never anxious to parade them, but with the certainty that the pecuniary results would be worse, even although some reserved assets might often be extracted, which, under a private liquidation, would never be heard of, there can be no doubt as to which will be preferred. Thus all the most questionable cases wholly escape. Pecuniary loss and inconvenient publicity both stand before the creditor to deter him from his strict duty, and the reckless defaulter gets through without even a rebuke, since it is not the business of any individual to assume the functions of a judge. A system more calculated to strike at the root of all straightforward and unpretending modes of business could scarcely be conceived. The story of the prosperous American financier, who upon his sixth failure was told that his assets did not show more than 3*s.* 9*d.* in the pound, and who replied that, as he had never paid less than 5*s.*, he would make up the difference from his own pocket, finds something very like its parallel every month in London. The continuance of the evil depends now upon the Legislature. The expense of a legal liquidation certainly need not exceed that incurred by a leading professional accountant. In fact, it should be considerably less. With a reform in this respect, and with some arrangement for the non-publication of the amount of the claim of each individual creditor, the Court of Bankruptcy might become what such a tribunal should be in the first commercial country in the world—a terror to the dishonest, and a refuge and justification for the unfortunate trader. In the absence of the latter provision, whatever reforms may be made in other respects, it will perhaps never be uniformly resorted to. Some of the recent and most important investigations connected with the Royal British Bank were nearly being stopped through difficulties in that respect. They were got over, however, by an understanding that names or special figures should be suppressed wherever their publication might be injurious or inexpedient, and, subject to the discretion of the court, there seems no reason why the example thus furnished should not be generally acted upon.

## BANKRUPTCY STATISTICS.

The following is an Abstract of a Return to the House of Lords from the Official Assignees of the Court of Bankruptcy in London, and of the District Courts of Bankruptcy, from Oct. 11, 1855, to Oct. 11, 1856, of the total amount of remuneration received by them during that period, and of the sums paid thereout for expenses for the same period:—

LONDON.

| Official Assignee. | Remuneration recvd. £ s. d. | Expenses. | £ s. d. | £ s. d. | Net Remuneration. £ s. d. |
|---|---|---|---|---|---|
| William Bell | 3516 16 8 ... | | 620 0 0 | 2896 16 8 | |
| P. Johnson | 1815 19 1 ... | | 800 0 0 | 1015 19 1 | |
| G. J. Graham | 2601 1 11 ... | Salaries ..... | 637 10 0 | The ordinary expenses & extraordinary together exceed the remuneration by 1602 12 6 | |
| | | Rent..... | 101 11 6 | | |
| | | Stationery ..... | 37 17 10 | | |
| | | Sundries ..... | 33 9 8 | | |
| | | Paid damages in Griffiths, Newcombe, & Co. ..... 1500 0 0 | | | |
| | | " " 1790 0 0 | | | |
| | | Paid for expenses of Ship..... 103 5 5 | | | |
| | | | 3393 5 5 | | |
| | | | 4203 14 5 | | |

The damages, &c., are in consequence of Official Assignees being necessary parties to all actions by and against the creditors' assignees, and equally liable with them to all consequences of these actions, although the Official Assignee can have no interest in the subject-matter of the action but as a mere receiver.

In the case of Griffiths & Co., the assignees found, on their appointment, a ship in the bankrupts' actual possession. They were advised by an eminent counsel that it was theirs. They, therefore, defended an action brought against them to try the right. The verdict was against them, and the damages were found at £3,220. The creditors' assignees are incapable of paying. The estate has no funds, and no prospect of any. The whole loss falls on the Official Assignee. The costs are estimated at about £800 more.

| Official Assignee. | Remuneration received. £ s. d. | Expenses. £ s. d. | Net Remuneration. £ s. d. |
|---|---|---|---|
| H. H. Stansfeld | 2748 15 9 ... | 906 1 8 ... | 1842 14 1 |
| H. H. Cannan | 2936 17 7 ... | 653 3 4 ... | 2283 14 3 |
| W. Whitmore | 2293 0 11 ... | 805 15 9 ... | 1487 5 2 |
| E. W. Edwards | 2371 0 11 ... | 871 9 11 ... | 1499 11 0 |
| C. Lee ... ... | 4329 3 4 ... | 1219 13 4 ... | 3109 10 0 |
| William Pennell | 3248 19 5 ... | 816 1 0 ... | 2432 18 5 |
| Isaac Nicholson | 1858 11 11 ... | 670 14 0 ... | 1187 17 11 |
| **BIRMINGHAM.** | | | |
| James Christie | 1731 10 2 ... | 564 17 8 ... | 1166 12 6 |
| F. Whitmore | 1784 3 2 ... | 583 13 5 ... | 1200 9 9 |
| John Harris | 3646 15 11 ... | 580 0 0 ... | 3066 15 11 |
| **LIVERPOOL.** | | | |
| Wm. Bird ... ... | 1472 17 4 ... | 445 18 1 ... | 1014 9 3 |
| James Cazenove | 872 19 3 ... | 389 10 9 ... | 483 8 6 |
| Charles Turner | 1982 1 11 ... | 626 8 4 ... | 1355 13 7 |
| George Morgan | 1347 3 1 ... | 416 0 0 ... | 931 3 1 |
| **MANCHESTER.** | | | |
| John Fraser ... | 1246 9 2 ... | 242 1 3 ... | 1004 7 11 |
| James S. Pott | 1269 15 8 ... | 283 11 8 ... | 986 4 0 |
| F. Hernaman | 2410 8 11 ... | 442 13 5 ... | 1967 15 6 |
| **LEEDS.** | | | |
| Henry P. Hope | 809 1 9 ... | 379 0 6 ... | 430 1 3 |
| T. Carrick ... | 1648 5 5 ... | 379 16 6 ... | 1268 8 11 |
| George Young | 1921 2 0 ... | 450 0 0 ... | 1471 2 0 |
| John Brewin | 1715 12 11 ... | 369 10 10 ... | 1346 2 1 |
| **BRISTOL.** | | | |
| Alfred J. Acraman | 1937 2 11 ... | 487 10 0 ... | 1449 12 11 |
| Edward M. Miller | 1790 0 11 ... | 273 0 0 ... | 1517 0 11 |
| **EXETER.** | | | |
| Henry L. Hirtzel | 1356 9 3 ... | 398 12 0 ... | 957 17 3 |
| **NEWCASTLE-UPON-TYNE.** | | | |
| Thomas Baker | 2379 5 11 ... | 908 8 10 ... | 1470 17 1 |

The following is an abstract of a return to the House of Lords from the messengers of the Court of Bankruptcy in London, and of the district Courts of Bankruptcy, from 1st June, 1856 to 1st June, 1857, of the total amount of charges and fees received, and expenses paid by them during that period:—

LONDON.

| Messengers. | Charges and Fees received. £ s. d. | Amount paid thereout. £ s. d. | Net Profit for Year. £ s. d. |
|---|---|---|---|
| James Cooper | 3687 18 3 ... | 2706 0 3 ... | 981 18 0 |
| Thomas E. Stubbs | 3264 5 7 ... | 2338 17 6 ... | 925 8 1 |
| John D. Austin | 2904 4 8 ... | 1781 17 8 ... | 1122 7 0 |
| James Johnstone | 5550 0 5 ... | 3999 4 11 ... | 1550 15 6 |
| Thomas Hamber | 3789 19 4 ... | 2153 15 2 ... | 1636 4 2 |
| **BIRMINGHAM.** | | | |
| William Bodill | 2060 6 5 ... | 1323 19 9½ ... | 736 6 7½ |
| F. O. Badham | 2820 9 4 ... | 1939 1 4 ... | 881 8 0 |
| **LIVERPOOL.** | | | |
| Henry Ayres | 1171 7 8 ... | 775 1 0 ... | 396 6 8 |
| Charles Harber | 997 2 2 ... | 560 10 2 ... | 436 12 0 |
| **MANCHESTER.** | | | |
| Jas. Aug. Harding | 1411 2 11 ... | 982 4 1 ... | 428 18 10 |
| Thos. Jebb Millar | 920 4 6 ... | 610 11 2 ... | 309 13 4 |
| **LEEDS.** | | | |
| Thos. W. Needell | 2156 12 0 ... | 1288 17 9 ... | 867 14 3 |
| Chas. C. Templer | 2164 6 10 ... | 1406 1 1 ... | 758 5 9 |
| **BRISTOL.** | | | |
| James Crocker | 1119 12 11 ... | 610 14 1 ... | 508 18 10 |
| Henry Turner | 946 17 9 ... | 536 4 2 ... | 410 13 7 |
| **EXETER.** | | | |
| John Bullivant | 1127 17 4 ... | 610 6 6 ... | 466 1 7 |
| **NEWCASTLE-UPON-TYNE.** | | | |
| Job Reeves ..... | 2032 1 5 ... | 1175 1 5 ... | 857 0 0 |
| In Copying Proceedings. ..... | 180 0 0 ... | 72 16 0 ... | 107 4 0 |

## NORTHERN CIRCUIT.—Durham, July 23.

(Before Mr. Baron Channell.)

### The Queen *v.* Balleny (A Magistrate).

In this cause a special jury was sworn to try a criminal information, whereby her Majesty's Attorney-General charges Robert Balleny, Esq., a justice of the peace, residing at Little Greencroft, near Lanchester, in the county of of Durham, with having, under colour of his office as a magistrate, compounded an offence and extorted money under threats of fine and imprisonment.

Mr. *Atherton*, Q.C., and the Hon. *A. Liddell*, were for the prosecution; Serjeant *Atkinson* for the defence.

Mr. Atherton said this case was one of great importance as concerning the administration of justice—one very unfrequent in our courts, and, he might almost say, without a parallel. The defendant was a gentleman by position, and had beeu for many years a county magistrate. On the 2nd of July last year two police constables, in the course of their duty, observed two men, named Spoons and Story, in pursuit of game. They apprehended them, and took them before the nearest magistrate, who happened to be Mr. Balleny. He, instead of proceeding in the ordinary way to hear the evidence, addressed the prisoners thus: "If you will pay £1 each you may go; if not, you will be taken to Lanchester and locked up, and brought before the magistrate next day and fined 40s. and costs." Then, without waiting for an answer from the accused parties, he ordered one of the constables to handcuff the men and take them to Lanchester. The men asked to be allowed to go to Berry Edge, their object being to raise the money for their liberation. Mr. Balleny gave them permission, and the men went to Berry Edge, raised the money, and paid it over to one of coustables. They were then allowed to go home. The constable went the next day to Mr. Balleny, and asked him to enter the cause. The defendant thereupon said the men were not fined, and that nothing was due to the county or the superannuation fund. He then handed 10s. to Robson, the constable, telling him there was 5s. for himself and 5s. for the other officer. Robson declined to receive it, and Mr. Bellany said if it were objected to by the chief constable, they must return the money to him.

The field in which the poachers were found belonged to Mr. Balleny himself.

Mr. Serjeant *Atkinson*, for the defence, complained that this was an information *ex officio*, and said, that, on the facts, as proved by the prosecution, never had the office of Attorney-General been so abused as in this case. He contended that Mr. Balleny had a perfect right to do as he did. An offence had been committed against him, and, not having merged his civil

rights in his public duties, and being influenced by the appeal to settle the matter at once, he consented to take £2 as compensation for the damage he had sustained. The men had, therefore, never been fined at all. The learned counsel concluded by reminding the jury of the serious consequences a verdict of guilty would entail.

Mr. *Atherton* replied; and

The jury, after a short deliberation, found the defendant *Guilty* of extorting the money, and that he did it under colour of his office as magistrate.

The defendant will be brought up for judgment next term in the Queen's Bench.

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In re Humphrey Brown.—Court of Bankruptcy, *July* 30.—(Before Mr. Commissioner Fane.)—A petition for adjudication in bankruptcy has been presented to this court by Mr. Brown, through his solicitors, Messrs. Greville and Tucker. The object of the petitioner is to obtain his release from custody, where he now is under an attachment issued at the suit of the official manager of the Royal British Bank. The adjudication was made, and the bankrupt's surrender was taken, he having been brought up for the purpose in custody on the Commissioner's warrant. It is said that an application to the Vice-Chancellor will be founded on these proceedings for his release from custody.

Re Suitors in Chancery.—Court of Chancery, *July* 25. – Mr. Renshaw appeared in support of a petition to have a fresh receiver appointed of the compensation fund awarded to the Earl of Devon on the abolition of a patent office formerly held by him in the Court of Chancery. The application was made on behalf of the Globe Insurance Company, who are first incumbrancers on the fund. The Lord Chancellor made the order as asked, without prejudice to the rights of any of the parties.

A Black Calendar of Crime.—The calendar of prisoners for trial at the Liverpool assizes, as made up to the 27th inst., is one of the blackest catalogues of crime that has been issued for some time. There are ten cases of murder in it (to which will have to be added another from Manchester, in which three prisoners are for trial), fourteen of stabbing, wounding, &c., one of shooting, one of attempt to blow up a house, five of rape, and five of perjury, besides a long list of burglaries and other offences—*Times*.

The Election Petitions Bill.—The following rather important clause has been added in committee on the Bill of Mr. Adderley and Mr. S. Child for regulating the presentation and withdrawal of election petitions. The clause enacts that any petitioner who shall not complete his recognisances to proceed, or who shall afterwards withdraw his petition without leave of the House, shall be liable to pay double the amount of all costs, damages, and expenses incurred by the sitting member or other party complained of in the petition. The agent presenting the petition will also be personally liable to pay all costs to which the petitioner is liable under this Act.—*Times*.

Chancery Vacation Notice.—During the vacation, until further notice, all applications which are necessary to be made at the judges' chambers are to be made at the chambers of the Vice-Chancellor Sir W. Page Wood. Parties desiring to make any urgent special application to the Court during the vacation, are to apply at the said chambers for an appointment. The chambers of the Vice-Chancellor Wood will be open on Tuesday, Wednesday, Thursday, and Friday in each week, from 11 to 1.

The Privilege of Reports.—The Select Committee of the House of Lords on the Privilege of Reports, have agreed to the following resolutions, viz.:—1, That the prayer of certain petitioners that there shall be entire immunity for the publication in newspapers of all that is spoken at all public meetings, if the report be faithful, thus depriving persons calumniated of all remedy, save against the speaker, cannot safely be granted; 2, That faithful reports of the proceedings of either House of Parliament, at which strangers have been permitted to be present, shall have the same privilege as is now granted to faithful reports of the proceedings of courts of justice; 3, That if an action shall be brought for an alleged libel, it shall be competent for the defendant, in addition to any other plea, to plead, "that the alleged libel was par of the report of the proceedings of a public meeting lawfully assembled for a lawful purpose, and that the said report is a faithful report of the said proceedings of the said public meeting, and that the plaintiff has sustained no actual damage by the publication of the alleged libel," and that on proof of this plea, the jury should be directed to find a verdict for the defendant; and 4, that a public meeting for this purpose shall be a meeting lawfully called by the sheriff of a county or other public functionary to petition the Queen or either House of Parliament, or a meeting for the election of members of Parliament, or a meeting of the town counsel of any city or borough, or a meeting held under the authority of an Act of Parliament for imposing rates on, or regulating the local affairs of, any district. The second resolution was only carried by 5 to 3, and the rest of the resolutions *nem. dis.* The witnesses examined before the Committee were Mr. E. Baines, Mr. Alexander Dobie, Mr. T. Curson Hansard, and Mr. A. Ely Hargrove.

Election Expenses.—Perhaps few candidates at the late general election were returned at less expense than the Chancellor of the Exchequer, for the Radnorshire boroughs. The auditor's account of these expenses has just been published, from which we learn that the return cost just 30*l.* 2*s.*, of which sum 10*l.* 8*s.* (more than one-third) was the auditor's fee, the actual election, therefore, costing under £20. The agent had ten guineas, the printers 5*l.* 15*s.*, and the cost of proclaiming the notices in the contributory boroughs (3*l.* 9*s.*) made up the total.—*Times*.

Questioning Prisoners.—Mr. Baron *Martin*, on the Oxford circuit, at the close of the prosecution of a prisoner for stealing the property of his master, called up the chief constable, and told him he had no right to put questions to prisoners to get evidence of their guilt. If questions were put *bonâ fide*, to ascertain whether a prisoner was guilty or innocent, the case might be different; but the course pursued was directly contrary to the Act of Parliament, which required the committing magistrates to caution prisoners before hearing their statements. His Lordship wished to put the police on their guard, for the Act of Parliament would become nugatory if prisoners were to be examined and cross-examined by the police. The practice must be abandoned, or steps would be taken to put a stop to it. —*Times*.

## Recent Decisions in Chancery.

### Winding-up Acts—Building Society.

*In re The St. George's Building Society*, 5 W. R. 771.

Whatever difficulties may have arisen in construing or applying the provisions of the Winding-up Acts, there has not been much controversy as to the character of the companies, associations, or partnerships which come within their operation. The 1st section of the 11 & 12 Vict. c. 45 (Winding-up Act, 1848), includes all "companies, associations, and partnerships," whereof the capital or profits is or are divided into shares, which are transferable without the consent of all the co-partners. The 12 & 13 Vict. c. 108 (Winding-up Act, 1849), extended the operation of the former Act to all "partnerships, associations, and companies" consisting of not less than seven members. There have been, however, a few cases in which the question has been raised, whether an association of persons who joined together not for trading purposes, and who are not liable individually to creditors, is necessarily included in the words of the Act of 1849. In the *Sherwood Loan Company* (1 Sim. N. S. 165), it was argued that that loan company was not an association, company, or partnership within the meaning of these statutes, the company not being (as was contended) a trading or commercial company carrying on business for the sake of profit. Lord *Cranworth*, then Vice-Chancellor, doubted whether the company would have been within the meaning of the Act of 1848, but had no doubt that the language of the Act of 1849 was quite large enough to include it. His Lordship, however, gave no opinion as to whether it was necessary, in order to bring an association, &c., within the meaning of the Act, that it should be formed for purposes of profit, as he considered that profit was one of the objects of the company in question. In *Bright* v. *Hutton* (3 House of Lds. Cas. 351), it was held that a projected railway company, provisionally registered, is an association within the meaning of the Acts; but in *Re The St. James's Club* (2 De G. Mac. & Gor. 383), Lord *St. Leonards* reversed a decree of *Knight Bruce*, then Vice-Chancellor, ordering the winding up of the St. James's Club, the constitution of which was similar to that of most West-end clubs. The grounds mainly relied upon for the appellant were, that the Winding-up Act, 1848, only extended to companies, &c., trading or instituted for profit; and that the 8th section of the Act of 1849, which referred to "carrying on the business" of the

associations, &c., showed that that Act also was meant to apply only to trading associations, &c. Lord *St. Leonards* adopted this view in construing the Acts, but appears to have been influenced in his decision mainly by a feeling of the inconvenience that might arise from the affirmance of the principle involved in the Vice-Chancellor's decree. "I cannot," said his Lordship, "hold the Act to apply to every association or company. If I were to do so, I might be called upon to carry the application much lower than to such a club as that now in question. A cricket club, an archery society, or a charitable society would come under the operation of the Act." A still more important reason, however, for excluding such an association from the operation of the Winding-up Acts, is the fact, also noticed by Lord *St. Leonards* in his judgment, that no member of such a club is liable to a creditor, except so far as he has assented to the contract in respect of which such liability has arisen, which is of itself a sufficient reason for excluding all such cases from the operation of the Winding-up Acts, unless, indeed, the words of the Acts are so explicit as to give judges no discretion. Building societies are placed in somewhat an anomalous position, in reference to the Acts. By the 2nd section of the 11 & 12 Vict. c. 45, all benefit building societies other than such as are certified and inrolled under the statutes in force respecting such societies, are liable to the operation of the Act. The difficulty at once arises under the 12 & 13 Vict. c. 108, whether building societies, excepted from the former Act—viz. certified building societies—are included in the latter, which extends the provisions of the former to all partnerships, associations, and companies of not less than seven persons. *Kindersley*, V. C., doubted that they were so included, but considered himself bound by the authority of the *Sherwood Loan Company's* case, between which and the case of certified building societies his Honour saw no distinction to warrant him from arriving at a different decision. As far as we know, *In re The St. George's Benefit Building Society* is the first case in which it has been held, after argument, that a certified building society may be wound up under the Acts; but there does not appear to be much room for doubt that such societies are brought within the provisions of the Act of 1848 by the terms of the Act of 1849, which we have already mentioned.

SPECIFIC PERFORMANCE—AGREEMENT FOR SALE OF HOUSE AND GOODWILL.

*Darbey* v. *Whitaker*, 5 W. R. 772.

There is no branch of the jurisdiction of courts of equity which rests upon more definite and intelligible principles than that which relates to the specific performance of agreements. Recent decisions, however, including the most recent—viz. the decision of the House of Lords in *Ridgway* v. *Wharton*—do not tend much to elucidate the doctrine of the Court in cases of specific performance, where the exercise of its jurisdiction may be said to be discretionary. An agreement may be such, as to its subject-matter or its form, as to prevent the Court from decreeing that it should be specifically performed. Or the party seeking such a decree may by his conduct at the date of the alleged agreement, or subsequently, have disentitled himself to the relief sought. But as questions of conduct or laches on the part of plaintiffs enter into nearly every suit instituted in equity, it is unnecessary here to touch upon that subject. *Darbey* v. *Whitaker* is an illustration of what difficulties may arise as to the subject-matter of an agreement of which specific performance is asked. In this case, the plaintiff agreed to assign the lease and goodwill of a beershop, and to sell the tenant's fixtures, &c., at such sum as the same should be valued at by two persons named, or their umpire; and all the stock of porter and ales, not exceeding a certain quantity, at the valuation of two licensed gaugers, or their umpire. There was the usual clause by which the plaintiff agreed not to carry on the trade within a specified distance under a penalty. And in case either party failed to perform the agreement, the party so failing should pay to the other, if he was willing to complete, a specified sum in the nature of liquidated damages. As to the principal subject-matter of this agreement—viz. the goodwill of the business—Lord *Eldon* decided, in *Baxter* v. *Conolly* (1 Jac. & Walk. 576), that the Court will not execute a contract for the sale of a goodwill of a business, but will leave the parties to their remedy at law, upon the ground that there could be no conveyance, and that it would be impossible to carry out the contract. In a subsequent case (*Bryson* v. *Whitebread*, 1 S. & Stu. 74), in which *Baxter* v. *Conolly* does not appear to have been cited, Sir *John Leech* granted specific performance of an agreement to sell the goodwill of a trade, and the exclusive use of a secret in dyeing, ordering at the same time that the Master, in settling the deed which was to give effect to the arrangement, should introduce a general covenant to restrain the use of the secret for twenty years, and a covenant limited, in point of locality, as to carrying on the ordinary business of a dyer, both parties being willing that the agreement should be so modified. This authority is not mentioned among the cases cited before V. C. *Kindersley*, in *Darbey* v. *Whitaker*. His Honour, however, while feeling himself bound by the decision of Lord *Eldon*, in *Baxter* v. *Conolly*, considered that an agreement for the purchase of a goodwill, mainly, if not entirely, annexed to the premises, was clearly distinguishable from an agreement to purchase a mere goodwill. "There was not the smallest doubt," said the Vice-Chancellor, "that a contract relating to such a goodwill was subject to a decree for specific performance." *Dakin* v. *Cope* (2 Russ. 171) is an express authority to the same effect. In that case, no doubt appears to have been raised as to the power of the Court to execute an agreement for the purchase of a leasehold public-house, and the goodwill and licenses connected with it. Granting the rule, as laid down by Lord *Eldon*, the distinction taken by V. C. *Kindersley* is perfectly consistent therewith, and throws no difficulty in the way of understanding the general doctrine of the Court in relation to specific performance. It is not so certain that the same may be said of the other two points involved in his Honour's judgment. It has long been an admitted principle, that, where the plaintiff can have adequate compensation at law, by way of damages, for breach of the agreement, a court of equity will not decree specific performance; and if the parties themselves proceed upon that understanding, and stipulate the exact amount which is to be paid on breach, it can hardly be contended that the nature and the amount of compensation are not adequate, where the sum agreed upon is evidently intended as compensation, and not merely by way of penalty. The Vice-Chancellor observed, that, "as to the remedy being legal upon the clause as to liquidated damages, it was true that the vendor might sue, if he pleased, but it was quite optional." The same remark would apply to several reported cases where specific performance has been refused, upon the ground that the plaintiff could have had an adequate remedy at law. There is, however, to be taken into account the strong leaning of the Court to execute specifically all contracts relating to land; but, at the same time, it should not be forgotten, that, in this case, the principal item in the contract was the goodwill of a business. So far his Honour was in favour of the plaintiff; but he refused the decree asked, on the ground that the fixtures, &c., were to be taken at a valuation, for which no time was named. There is no doubt that the Court always refuses to execute a contract containing stipulations which cannot be carried out; but it is difficult to understand how the agreement to take the fixtures, &c., at a valuation—even though no time for making the valuation was named—could bring the case within this rule. *Parker* v. *Whitby* (Tur. & Russ. 366), *Dakin* v. *Cope*, *supra* (and see observations of the Lord Chancellor in *Meynell* v. *Surtees*, 3 W. R. 540), and other cases, are authorities to show that the Court does not always require the valuation to be completed before a decree can be made for specific performance; and that being so, there does not appear to have been any peculiar difficulty as to the valuation in this case which could distinguish it upon that ground. There is no doubt, however, that *Milnes* v. *Gery* (14 Ves. 400), and other decisions of Lord *Eldon*, are to the effect that the Court will not execute an agreement for sale according to a valuation which has not been made. Upon the whole, it must be confessed, that the present state of the authorities on this subject is anything but satisfactory.

PRACTICE—INFANT HEIR-AT-LAW.

*Lamb* v. *Lamb*, 5 W. R. 772.

In this case an order was made for an infant heir-at-law to elect to take under a will—the election having the sanction of the Court—without referring the matter to chambers.

## Cases at Common Law specially Interesting to Attorneys.

ATTORNEY AND CLIENT—RESPONSIBILITY OF LATTER FOR ACTS OF FORMER.

*Collett* v. *Foster*, 5 W. R., Exch., 790.

This was an action brought for an arrest and false imprisonment, under the following circumstances:—The defendant had instructed her attorney to take proceedings to enforce a warrant

of attorney which had been given to her by the plaintiff. The warrant was to confess a judgment for £60; but at a time when the sum due under it had been reduced by various payments below £20, a writ of *ca. sa.* indorsed for a debt of £21 was issued, and under that writ the plaintiff was arrested. After a few days' imprisonment, he was discharged by a judge's order, under the 57th section of 7 & 8 Vict. c. 96, which enacts that no person shall be taken or charged in execution upon any judgment in any action for the recovery of any debt wherein "the sum recovered" shall not exceed £20 exclusive of the costs recovered by such judgment. It was argued at the trial for the defendant, that, as the writ was one which, under the circumstances, could not lawfully be issued, the defendant could not be held to have authorised her attorney to issue it; but *Martin*, B. (who tried the cause), held, that, as the warrant had been handed over by the defendant to the attorney, with general instructions to enforce it, the client was responsible for what was done in the course of that employment, and the jury returned a verdict for the plaintiff, with £50 damages. A rule *nisi* was obtained for a new trial, on the ground of misdirection, and that the damages were excessive. As to the damages, they were reduced by consent to £30, but as to the other ground, the rule for a new trial was discharged. It was said by the Chief Baron, that the liability of a client for the acts of his attorney, retained by him to conduct a suit, differed, to some extent, from the ordinary liability of a principal for the acts of his agent, it having been "long an established rule" that the client is responsible for what the attorney does in the conduct of the suit. *Watson*, B., agreed, and added, that, if the attorney went beyond his duty, the client had his remedy against *him*; but *Bramwell*, B., concurred, "with some misgivings." He found a difficulty in seeing how the defendant could be made responsible for an act she probably did not authorise to be done in any way, inasmuch as she could not herself have issued the writ.

The decision on which the defendant chiefly relied in the above case was that of *Freeman* v. *Rosher* (13 Q. B. 780), in which the Queen's Bench certainly laid it down, that a principal is not responsible for a *trespass* by an agent unless he gave a prior authority or subsequent assent. The Court added, however, that, where the principal is responsible for damages arising from the want of skill or mistake of the agent in the course of the performance of his employment, the principal is not responsible in trespass, but in case; "and the form of action involves an interest of some importance, as the measure of damages in an action on the case would be confined to an indemnity." In the present case, the damages having been reduced, this decision may perhaps be more satisfactorily disposed of in this manner than as suggested by the Chief Baron; for, though it arose out of a case in which the act complained of had been committed by a broker in conducting a distress, and therefore, according to him, would not govern the liability of a client for the acts of his attorney, it may be doubted whether there is, in fact, any well-defined rule qualifying, with reference to the relationship of attorney and client, the ordinary rules of law as to principal and agent.

It deserves remark, that, in a recent instance, some of the judges of the Common Pleas entertained doubt whether the above provision of 7 & 8 Vict. c. 96, was applicable, so as to render an arrest irregular where a defendant was taken on a warrant to confess a judgment above £20, though the debt actually due had been reduced below that sum by instalments of payment. They seemed to hold that the "sum recovered" by the judgment was the whole sum for which confession of judgment was allowed—such sum standing as security for all instalments yet unpaid. This was the case of *Johnson* v. *Harris* (15 C. B. 357). It may also be observed that the *ca. sa.* issued by the defendant, inasmuch as it pursued the judgment, was not (as appears from *Blew* v. *Steinaw*, 11 Exch. 440) a nullity, but irregular only.

### Discovery of Defendant's Title in Ejectment.

*Horton* v. *Bott*, 5 W. R., Exch., 792.

By this case it has been conclusively determined that a plaintiff in ejectment is not entitled to a discovery of the defendant's title; a doctrine on which the case of *Flitcroft* v. *Fletcher* * (11 Exch. 543)—in which the Exchequer had decided differently—had thrown some doubts. In arriving at this amended decision, the Court of Exchequer intimated that they adhered to the opinion that the discovery allowed by the Common Law Procedure Act, 1854, must be such a discovery as would be allowed according to the rules existing in courts of equity. But on a fresh examination of the passage in "Wigram on Discovery," and the cases in equity bearing on that subject, on which they had allowed interrogatories with a view to discover the title in *Flitcroft* v. *Fletcher*, they arrived at a contrary conclusion from what they did before. In explanation of this, Mr. Baron *Bramwell*, in delivering the judgment of the Court, says, "We may be permitted to say, that owing, perhaps, to our want of familiarity with the subject of equitable discovery, the remark of Lord *Abinger*, in *Bellwood* v. *Wetherell* (1 Y. & C. 211), seems well founded: 'Upon looking at the cases, some of them appear extremely embarrassed and contradictory, and no steady principle is adopted in them.'"

The case of *Flitcroft* v. *Fletcher* stood in collision with that of *Moor* v. *Roberts* * (5 W. R. 693), in the Common Pleas, and with *Edwards* v. *Wakefield* † (6 Ell. & Bl. 462), in the Queen's Bench. Now, however, that it has been virtually overruled, the three Courts may be considered as in harmony on the point.

### Life Insurance—Effect of Fraud.

*Wheelton* v *Hardisty*, 5 W. R., Q. B., 784.

This was one of the actions arising out of the policies effected on the life of the late Mr. Jodrell. It was brought on behalf of a reversionary interest company, who had effected an insurance with a life assurance association on this life; and by the pleadings (which imputed fraud to the plaintiffs) the question arose as to how far a person effecting a *bonâ fide* insurance on a life in which he has the requisite interest is responsible for the fraud (unknown to him) of the party whose life is to be insured, or that of his referees. And it was, among other things, established, that, where the insurer is, in negotiating the insurance, required only to state his belief in the information furnished, and where the truth of that information is not made the basis of the contract, no fraud on the part of the insurer attaches to the policy; for that the parties furnishing the fraudulent information are not, under such circumstances, the agents of the insurer. The defendants in this action succeeded, however, substantially; because they were held to be bound by a prospectus circulated by the company among its customers, stating that every insurance should be held unquestionable *unless* fraud were practised in obtaining it; and it was held by the majority of the Court, that this exception included fraud on the part of the life and his referees, as well as of the party effecting the insurance himself.

### Attorney and Client—Discharge of Agent by payment over.

*Symonds* v. *Atkinson*, 1 H. & N. 146.

In this case it appeared that a bill of exchange, drawn by B. & Co., and accepted by A. & Co., had been indorsed to the plaintiffs, and discounted by them for B. & Co. Before the bill became due, A. & Co. stopped payment, and ultimately agreed with their creditors to pay a composition by promissory notes, at various dates, payable to B.'s order, and indorsed by him in all cases in which his name was on the original bills. B. & Co. were unable to take up the bill when it became due. On the day appointed for the payment of a dividend on their composition by A. & Co., B. was intrusted by the plaintiffs with the bill of exchange above mentioned, in order to enable him to fetch the dividend due in respect thereof, and for no other purpose. With this bill in his possession, B. went to his attorney (the defendant in the present action) and obtained from him, on security of the bill, and in anticipation of the dividend about to be paid by A. & Co., the sum of £200, asserting that he had satisfied the plaintiffs their interest on the bill; and the defendant accordingly received the dividend. An action was now brought against him by the plaintiffs to recover either the bill or the money he had received.

It was argued, on the part of the plaintiffs, that the bill had been intrusted to B. for a particular purpose; and that, in violation of his trust, he pledged it to his attorney; but that he could give him no title to receive the dividend, for the property in the bill was never out of the plaintiffs. The defendant had assumed to treat the bill as his own property; had received through it payment of the dividend; and, though he had credited B. with the proceeds as against the £200 he had advanced, this made no difference as to his liability. The Court, however, without hearing the other side, held, that all the defendant did was done by him in a ministerial capacity, as B.'s attorney and agent. He had no means of knowing that B. was not the real owner of the bill. He advanced money upon it; and he was justified in doing so, because the bill (overdue) was in the hands

* See this case noticed *sup.* pp. 382, 623.

* See a notice of this case *sup.* p. 623.
† See a notice of this case *sup.* p. 382.

of the drawer, who had an apparent right to it. The defendant had a right to stop a portion of the money he received on the bill to repay the advance which had been made by him.

## Professional Intelligence.

### INCORPORATED LAW SOCIETY.

SUMMARY OF PROCEEDINGS OF THE COUNCIL.

*May and June*, 1857.

The subjects which have been under the consideration of the Council of the Incorporated Law Society since our last report (p. 460) have embraced, among others, the following matters:—

The Council received a communication from the Attorney-General relating to the proposed concentration of new courts and offices in the neighbourhood of the Inns of Court, and requesting plans and statements to be sent for the information of the Government. Plans, estimates, and statements were accordingly transmitted.

Letters were received from several provincial law societies, with suggestions relating to the proposed alterations in the circuits of the judges, and the terms and sittings; and these suggestions were submitted by the Council to the Common Law Judicial Business Commissioners. The Council also took into consideration the question of the number of judges requisite for the despatch of business in Term and the *Nisi Prius* Sittings, and on the several circuits, and communicated their opinion to the Commissioners. The Council also suggested several improvements in practice at the Judges' Chambers.

Communications were received from the Under-Secretary of State for the Colonies relating to the Bill for the admission of colonial solicitors in the superior courts of England, upon which the Council repeated their suggestion—that such solicitors should be required to pay the same stamp duty as English solicitors, and to undergo a similar examination. The Secretary of the Society was instructed to attend the Under-Secretary of the Colonies and the Chairman and Solicitor of Inland Revenue with the proposed amendment; and he reported that he had done so, and had also attended an appointment at the Treasury, when the amendment was adopted.

The Judgments Execution Bill was considered, and the Council having resolved to support it, subject to further amendments, the President was requested to communicate with Sir F. Thesiger thereon.

The Probate and Administration Bill was referred to the Parliamentary Committee, who suggested material amendments, which were approved by the Council, and submitted to the Attorney-General and several other members of Parliament.

The following Bills were also considered:—Joint-Stock Companies, Fraudulent Trustees, Married Women's Reversionary Interests, Leases and Sales of Settled Estates.

The Council having received complaints of delays in the transaction of business at several of the Chancery offices, the subject was referred to the Equity Committee of the Council, with power to call in the aid of other members of the Society, of which the Committee largely availed themselves, and were favoured by the attendance of several experienced and able members of the Society; and, after numerous meetings, they prepared a Report, which was carefully considered by the Council, approved, and transmitted to the Lord Chancellor.

A communication was received from the Metropolitan and Provincial Law Association on a proposed new scale of costs on criminal prosecutions; and the Secretary having obtained copies of the several scales proposed by the Treasury as applicable to proceedings both at the assizes and quarter sessions, a letter was written to the Lords of the Treasury upon the subject; and in answer the council were referred to the gentlemen who had been commissioned by the Treasury to consider and report upon the matter.

Several questions of professional usage on conveyancing matters were taken into consideration; amongst others, as to the costs of a release and indemnity where the original deed had been lost; the costs of a contract of sale, and its preparation by the vendor's solicitor; the settlement of an action between the parties and the plaintiff's attorney, in the absence of the defendant's attorney; retaining fees on elections for members of Parliament.

The attention of the Council was called to a decision on the trial of an action against one of the members of the Society, which appeared to increase the liability of attorneys to a serious extent; and the Secretary was directed to obtain the shorthand writer's notes of the case, and to make inquiries on the subject of an intended application for a new trial. It was afterwards reported that a rule for a new trial had been granted.

The Secretary reported that the rules for striking two attorneys off the Roll had been made absolute by the Court of Queen's Bench; and directions were given to apply for the removal of the names from the rolls of the other courts of law and equity.

Several applications for the renewal of the annual certificate of attorneys, with the affidavits and testimonials in support, were considered. In one of these cases the Council successfully opposed the renewal, at the instance of the Newcastle Law Society.

In another case which had been referred to one of the Masters, the Court, on a special application, enlarged the terms of the rule, authorised the examination of witnesses *vivâ voce*, and directed the applicant to produce his account books, papers, and writings before the Master.

An application having been made to renew the certificate of an attorney who had been remanded by the Insolvent Debtors' Court for several breaches of trust, counsel was instructed to oppose the renewal. Cause was shown in the first instance, and the rule was refused.

The Examiners' Report of Trinity Term was received, recommending two candidates to the Council as deserving of prizes—namely, Mr. Edward Balden, of Birmingham; and Mr. Walter Browne, of Lenton; and three as deserving of certificates of merit. The books proposed by the several candidates having been approved, were presented by the Council, and certificates of merit granted to the others—namely, Mr. Joshua Fallows, jun., of Piccadilly; Mr. Wm. Stewart Forster, of Lewisham; and Mr. Wm. Henry Randles, of Ellesmere.

A letter was received from Mr. Arden, the principal, of Clifford's-inn, communicating the resolution of that Society to grant a prize of 20 guineas annually, to be appropriated by the Council in prizes for the candidates who should pass a superior examination.

Several questions were considered relating to the due service of articles of clerkship under the provisions of the 6 & 7 Vict. c. 73, s. 12.

Measures for the improvement of legal education and a proposed college of attorneys, having been noticed at the Annual General Meeting of the Society, on the 23rd June, letters were written to all the Inns of Chancery, with copies of a former communication, and inviting their consideration of the subject.

It having been ascertained that the publications and indices printed under the directions of the Patent Law Commissioners, were given to some of the public libraries, application was made to obtain the same for this Society; the indices have accordingly been received, and the future publications will, from time to time, be given to the library.

Donations of numerous old law works, appeal cases, gazettes, &c., were received from Messrs. Few & Co.

Additional names of proposed Lecturers on common law and equity were received, and the day of election was appointed.

The requisitions made on the investigation of the title to the land in Chancery-lane, agreed to be sold to the Law Life Insurance Society, having been satisfactorily answered, the conveyance was received and approved, and the sale was completed on the 4th June.

In reference to the election of future members of the Council, it was resolved, that "it will be advantageous to the Society that a limited number of members resident and practising in the country be elected as members of the Council."

The following gentlemen have been recently proposed and approved as members of the Society:—

Gabriel Samuel Brandon, of 15, Essex-street, Strand.
Francis Norton, of 12, President-street West, Goswell-road.
Henry Webb, of 11, Argyll-street, Oxford-street.
Edward Hodges, of 4, Royal Exchange-buildings.
Henry William Willoughby, of 13, Clifford's-inn.
David Howell, of Machynlleth.

Twenty articled clerks were admitted as subscribers to the Library.

The following vote of thanks to the late President was unanimously passed by the Council, at their meeting, on the 25th June:—

"Resolved,—That the best thanks of the Council be presented to Edward White, Esq., for the able, zealous, and most efficient manner in which he has discharged the important duties of President of the Incorporated Law Society during his year of office.

"The Council especially recognise the benefit derived by the Society from his ability and discretion in the management of a difficult and important negotiation for the sale of the surplus land.

"They desire also to record their sense of his uniformly courteous, urbane, and considerate conduct on all occasions, both in and out of the chair, not only towards the members of the Council, but towards the profession generally, and all others with whom the duties of his office have brought him into communication."

## Correspondence.

DUBLIN.—(*From our own Correspondent.*)

The long vacation is now commencing in earnest, and judges and practitioners are, with few exceptions, betaking themselves to country retreats, or otherwise seeking relaxation after the labours of the legal year. The Lord Chancellor arrived at the end of his cause-list a fortnight since; and the Master of the Rolls, after finishing his own list, as also an additional list of hearings transferred to his court from that of the Chancellor, has been for a still longer period enjoying vacation. The Masters in Chancery are still sitting; but another reason, and a more potent one than that furnished by the state of their business, is found for this circumstance—by the Chancery Regulation Act, these functionaries are obliged to sit until the 10th of August, whether they have anything to do or not. The Incumbered Estates Commissioners have not yet risen, as their business has been unusually heavy; and the number of deeds of conveyance to purchasers, and the amounts paid out to claimants and incumbrancers, during the present month, have been, we believe, respectively greater than in any corresponding period in former years. The circuits are now nearly over, and many complaints are heard of the scanty lists of records that were to be tried, while the criminal business all over the country has been considerably less than ever.

Under these circumstances, as may be supposed, the topics of interest in legal circles are very few. The only one worth mentioning arose out of a judgment delivered by Master *Litton*, *In re The Irish Consols Mining Company*, and the Winding-up Acts, in which the proceedings of Mr. O'Dwyer, the first taxing-master in Chancery, had been such as to raise a question of jurisdiction, as well as to involve some personal matters. On taxing the costs of the official manager, incident to the winding up of this company, numerous items had been disallowed; and on the case again coming before the Master in Chancery to whom it had been referred, he had requested the taxing-master to certify the grounds on which such items had been disallowed. The reply was furnished in the shape of a voluminous certificate, in which (*inter alia*) the taxing-master contended that the Master in Chancery had no jurisdiction to review the taxation, inasmuch as the latter was a co-ordinate, and not a superior tribunal. The Master in Chancery, in now giving his judgment, said that the powers conferred on him by the Winding-up Acts, in respect to costs, were of the most extensive description, and he claimed, in this respect, a jurisdiction superior to that of the taxing officer; and after going through the items in question, and allowing some and disallowing others, he declared his intention of making an order for the payment of the further items so allowed (in addition to the amount certified by the taxing-master) in one month, unless in the meantime some person interested should give notice of appeal. In reference to some imputations of a personal character that had been made against the official manager and his counsel, the Master in Chancery said that above £10,000 had been brought in; and it was a singular fact, that, in no other case that he had been able to discover, either in England or in Ireland, had the creditors been paid in full; and that in this case all the creditors had received twenty shillings in the pound, while a considerable dividend was also paid to the contributories—a result owing partly to the intelligence and skill of the official manager, but still more to the ability of the manager's counsel, whose fees formed a considerable part of the items which had been disallowed on taxation; and these circumstances had their weight in inducing him to reinstate those items, which he accordingly did, with an expression of regret, that, in a purely legal document like the taxing-master's certificate, any reflections upon the manager and his counsel had been inserted.

### Mayo Assizes—The Election Riots.

One of the incidents connected with the Mayo election petition, and one that created some sensation at Westminster, was the ill-treatment received by John Gannon, one of the witnesses, on his return to Mayo, after having given evidence before the committee. Some of the persons concerned in this outrage were immediately tried on a charge of riot and assault, and were found guilty. In delivering sentence, the presiding judge (*Richards*, B.) read a severe lecture on the barbarity that had been exhibited towards a person who had merely discharged a public duty by giving evidence, and sentenced one of the prisoners to one year's imprisonment, with hard labour, and another (who was the ringleader on the occasion) to two years, with hard labour.

Immediately afterwards, his Lordship sentenced four other prisoners to three months' imprisonment for having carried away against their will two persons who were voters of the county of Mayo, and having detained them until the election was over. An Act of Parliament (he said) recently passed, 17 & 18 Vict. c. 10, s. 5, met this case, and declared such conduct to be unlawful, and a misdemeanor; and the excuse urged on behalf of the prisoners, that this was done in the heat and excitement of a contested election, was no excuse; for, if this were done, an election would not be the free choice of the electors, but would represent merely the physical force of the dominant party.

It must be admitted, that, at and after the recent Mayo election, very irregular modes of influencing the conduct of voters were resorted to by the "popular party;" the evidence given before the Committee fully establishes this, could any doubt exist as to it. On the other hand, we must, in fairness to unruly Connaught, admit, that, in the speedy conviction of the offenders, justice has been satisfied; and we must give due credit to the impartiality of the Castlebar juries, who have thus done their duty without fear or favour. Doubtless the determination of the Election Committee, combined with the judicial sentences on the rioters, will have a salutary effect on the public mind in Mayo; and we may expect to see future elections for that county uninfluenced by clerical intimidation, and unsullied by mob-violence.

EDINBURGH.—(*From our own Correspondent.*)

The last of the first division jury trials, which was to have been taken to-day, was compromised just in time to save the judge, though not the jury, the trouble of appearing in court. Such cases are of constant occurrence in Scotland; and it is not surprising that jurymen, brought often from a distance of fifteen or twenty miles, at considerable expense to themselves, should grumble when they are told that they are not required, and should be disposed to look upon trial by jury as a device for oppression, rather than as a bulwark of liberty.

It is difficult to explain all the reasons why jury cases should be so often compromised in Scotland, when they are ripe and set down for trial. Some of them are to be found, no doubt, in the dislike with which many in Scotland still regard this form of process, and in the desire which agents often show to avoid the anxiety and responsibility of proceedings which are very much out of the usual routine; but the chief cause arises from a very absurd rule of court, which prevents a party who may be successful from recovering the expense of any precognition of witnesses that may have been taken previously to the adjustment of the issues in the cause, the theory being, that the party ought to know all about his own case, and should not require to make any investigation; that the precognition is only required after the issues are adjusted, to enable counsel to select and examine the witnesses. The consequence is, that, when the pursuer's agent makes his precognition, with a view to trial, he often finds that the facts have been stated on the record in such a way as to give a wrong complexion to a case which may be substantially just and honest, and he is naturally unwilling to risk a trial, if he can make any reasonable terms.

The jury trials being now over, the judges have nothing to disturb their repose till September, when the circuits commence. There are three circuits—the north, south, and west; two judges go on each, and may be occupied for a fortnight or three weeks. The judges sit together generally; but when there is a press of business, which sometimes happens at Glasgow, they hold separate courts. There is very little civil business transacted on circuit.

Some little excitement was caused lately among the members of the College of Justice by the appearance of the Lord Advocate's Annuity Bill, which has for its object the provision of some substitute for the annuity tax, which is levied in Edinburgh for the support of the city clergy from the whole community, except the members of the College of Justice, who have been exempted for 200 or 300 years. The abolition of their privileges would greatly increase the value of property held by other parties in Edinburgh, and is, therefore, very much desired. The Bill is considered by many as the most shameless of all the Bills proposed for the abolition of this tax. It is matter of general regret that the Lord Advocate should have been found capable of aiding and abetting the Town Council in their dishonest desire of appropriating to other purposes

than the restoration, in the proper sense of the word, of Trinity College Church the money extracted from the North British Railway, under the authority of Parliament, for that sole use. Still more is it a matter of regret that his Lordship should have been found willing to destroy—when so many other means might have been first resorted to—the only fund which exists in Scotland out of which the Crown can offer rewards to distinguished clergymen of the Church of Scotland—viz. the revenues belonging to the Deans of the Chapel Royal, who are four in number, and who each receive about £400 a year out of these revenues. The members of the various legal bodies in Edinburgh would have witnessed with less sorrow a much greater infringement upon their special rights and privileges than his Lordship has ventured upon in the present Bill. Perhaps it was thought that the confiscation of the railway money, and of the revenues of the Chapel Royal, might be a sop which would induce the legal bodies to pay the tax for a few years as proposed, but there never was a greater mistake committed, and the suddenness with which the Bill has been withdrawn has proved that the error was soon discovered. The Lord Advocate has damaged his reputation more by this one measure than by all the other mistakes of his political life.

There is no legal news which can be of any interest. The whole of the ordinary inhabitants of the city seem to be abandoning it to the crowds of foreigners and strangers who are daily flocking into it, but who are not likely to furnish any news that can be interesting to the legal public.

## Lord St. Leonards' Land Transfer Bill.

The following is the Bill brought forward by Lord St Leonards on the 21st ult. We reported in our last number the speech in which he introduced the measure. Although there is no probability of the Bill being passed, or even discussed this session, the reputation of its author induces us to place it before our readers. It recites, that it is expedient to simplify the title to real estate, in order to facilitate the transfer thereof upon sales, and proposes to enact:—

1. The time or event upon which executory devises may be well limited shall no longer be lives in being and twenty-one years afterwards as a term in gross; but, after lives in being, the term of twenty-one years, and the time for gestation, shall only be allowed as valid where they have relation to the birth and infancy of any issue to or in favour of whom the land shall be limited or given by the instrument creating such executory devises.

2. No entry, distress, or action shall be made or brought against any *bonâ fide* purchaser for valuable consideration, to recover any land or rent but within twenty-five years next after the actual conveyance of the land or rent to the purchaser, and the payment by him of the purchase-money; but this Act shall not, in any case, enlarge the time allowed for making or bringing an entry, distress, or action by an Act of the 3 & 4 Will. 4, intituled "An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the Remedies for trying the Rights thereto:" provided that where any such purchaser at or before the execution of the conveyance to him, and the payment of the purchase-money, had express notice, or had reason to know that the estate or interest of the claimant existed or might become available, this Act shall not afford such a purchaser any bar to the claim, but his defence shall remain as it would have stood if this provision had not been inserted in this Act.

3. No judgment, statute, or recognisance, whether in favour of any person, or of her Majesty, her heirs or successors, nor any liability, charge, or lien of or upon any lands, in respect of any debt which shall be found due to her Majesty, her heirs or successors, by any inquisition, or in respect of any obligation or specialty to her Majesty, her heirs or successors, or in respect of any acceptance of office, whereof there is no execution or extent served and executed upon the land before such time as the same shall have been conveyed to a *bonâ fide* purchaser for valuable consideration, shall bind such lands, or be executed against such purchaser, his heirs or assigns, notwithstanding any notice to any such purchaser of any such judgment, statute, or recognisance, charge or lien, obligation or specialty, or acceptance of office.

4. No *lis pendens* shall bind a purchaser for valuable consideration unless he shall have express notice of it before the execution of the conveyance to him, and the payment of the purchase-money by him.

5. No *bonâ fide* purchaser for valuable consideration shall be bound in any case by any other than express notice of any charge, or any other act, matter, or thing, affecting the title to the property purchased.

6. So much of the Act of the 16 & 17 Vict., intituled "The Succession Duty Act, 1853," as charges an estate in the hands of a *bonâ fide* purchaser for valuable consideration with the duty imposed by the Act, or that renders him liable to pay the same, or to see to the payment thereof, is hereby repealed; and no such purchaser, or the property purchased by him, shall be liable to such duty, nor shall he be bound to see that the same is paid.

7. The *bonâ fide* payment to and the receipt of any person to whom any money shall be payable upon any express or implied trust, or for any limited purpose, or of the survivor or survivors of two or more mortgagees or holders, or the executors or administrators of such survivor, shall effectually discharge the person paying the same from seeing to the application or being answerable for the misapplication thereof, unless the contrary shall be expressly declared by the instrument creating the trust or security.

8. No seller of land shall be bound to produce a title with a root extending beyond forty years, unless required to do so by the contract for sale, or unless the court shall be of opinion that there is reason to suppose that some settlement or will prior to that period may have been executed which might prejudicially affect the purchaser's title.

9. Any seller, or his solicitor, or agent, wilfully concealing any incumbrance from a purchaser, or falsifying any pedigree upon which the title does or may depend, in order to induce him to accept the title offered or produced to him, shall be guilty of a misdemeanor, and being found guilty shall be liable, at the discretion of the court, to suffer such punishment, by fine or imprisonment, or by both, as the court shall award, and shall also be liable to an action for damages at the suit of the purchaser, or those claiming under him, for any loss sustained by him or them in consequence of the incumbrance so concealed, or of any claim made by any person under such pedigree, but whose right was concealed by the falsification of such pedigree; and in estimating such damages, where the estate shall be recovered from such purchaser or from those claiming under him, regard shall be had to any expenditure by him or them in improvements on the land.

## Parliamentary Proceedings.

### HOUSE OF LORDS.

*Monday, July 27.*

THE SUCCESSION DUTY.

Lord REDESDALE, in presenting a petition from Mr. Damer, complaining of the interpretation put upon the Succession Duty Act by the controller of legacy duties in regard to settlements made before the passing of that Act, said that the working of the present Act was, in many cases, productive of great hardship. By the Act imposing succession duties, those duties were fixed at 1 per cent. in the case of a son, 5 per cent. in the case of a collateral relation, and 10 per cent. in the case of a stranger. It happened, however, in practice, that the authorities at Somerset House ruled, that when a son took property after his father, in accordance with a previous settlement, the duty which he had to pay was not 1 per cent., but the per-centage which would be due had he taken the property at once without the intervention of the father. Lady Caroline Damer had devised an estate to Col. Damer for life, with remainder to the first and other sons in tail. Col. Damer had, by a disentailing deed executed before the Succession Duties Bill came into operation, barred the entail. It had been held that the son of Col. Damer was liable to pay a higher duty than 1 per cent. This decision appeared to him to be unjust, because it seemed clear that where a new title had been created, it was upon that that the duty ought to be levied. It appeared to him that the whole question was one which required revision, or at least that the Act itself should be made clear and intelligible, instead of being left, as it was, intricate and confused.

Earl GRANVILLE said, that most of the points which had been taken by Lord Redesdale were raised during the discussion of the Bill. As for the measure being too harsh, he might remind their Lordships, that, although Mr. Gladstone had calculated the income that would be derived from it at £2,000,000 a year, and although some of their Lordships had expressed their apprehension that it would prove a burden upon property, in some

cases amounting almost to confiscation, the sum really obtained from it had not yet exceeded a fourth of the expected amount. If he was not mistaken, there was in the Act a clause which exactly met Mr. Damer's case, and provided that a disentail should not avoid the payment of the duty. As to the amount of litigation to which this Act had led, he had found that only three cases had been tried under it; that in all these the decisions had been in favour of the Government, and that no attempt had been made to reverse those judgments.

After a few observations from the Earl of Derby and from the Lord Chancellor, the petition was ordered to lie upon the table.

*Tuesday, July 28.*

Fraudulent Trustees Bill.

The Lord Chancellor, in moving the second reading of this Bill, said it was intended to remedy a very serious defect in the existing system of law. That system having been handed down, not as a written code, but by tradition, contained many incidents appropriate to a rude state of society when personal property was confined to chattels; but totally inapplicable to the present day, when the condition of property was so different, and involved such complicated relations, especially in regard to trust property. In the case of trust property, the trustee was the legal owner, and, therefore, if he misappropriated it, he could not be punished, as the law recognised it as his property, not the property of the beneficial owner. Every one admitted that this was a technical rule which required to be remedied, and that was done by the 1st clause of the Bill. He believed there was no objection to the principle of the measure, but there were some objections of a technical nature to the details. The first was as to the difficulty of defining what shall constitute a person a trustee. That, however, was met by the interpretation clause, which provided that a trustee shall include an executor, administrator, or assignee in bankruptcy or insolvency. The next clause to which objection was taken was one which had been introduced while the Bill was passing through the other House, and which, in his opinion, would require great consideration and amendment; and some of their Lordships were desirous to strike it out altogether. The clause in question was the 12th, which enacted that no prosecution under the Act should be instituted without the sanction of a judge of one of the superior courts of common law or of the Court of Chancery, or the Attorney-General. He objected to the provision requiring the assent of a judge; and when the Bill was in committee, he would propose to strike out that part of the clause. He would still make it necessary to obtain the sanction of the Attorney-General, as was now done in revenue and some other prosecutions. By that means they would secure trustees who had acted honestly from being annoyed by disappointed *cestui que trusts*. The 2nd clause of the Bill rendered merchants, bankers, and brokers criminally liable for the misappropriation of property intrusted to them. They were so at present, if there was a written direction as to its disposal; but there was no reason for such restriction of the liability, and the Bill extended it to all property intrusted to them. Another clause removed an anomaly which few but lawyers would believe to exist in the law. If a parcel was given to a carrier to be carried to a distance, and he stole it, he was not guilty of any misdemeanor, as the law considered him a bailee, and there was no "asportavit;" but if he broke it open, and took a portion of the contents, he was guilty of larceny. The Bill did away with the absurd distinction. The next clause related to directors and officers of public companies. They had seen of late several instances of disastrous evils produced by the misconduct of these officials, and it was now proposed to render them criminally liable for the misappropriation of the property intrusted to them, or for the publication of false accounts, a practice sometimes adopted in order to lull the shareholders into security. These were the principal clauses of the Bill, and he did not anticipate there would be any objection to the second reading.

Lord St. Leonards did not oppose the Bill. He approved of a great portion of it, although he lamented the necessity for the introduction of such a measure. He feared that if it passed it would greatly increase the difficulty of obtaining trustees, for no man would like to undertake the office with the chance of six years' penal servitude hanging over his head; and he was very much inclined to think that trustees who had meant to act honestly had suffered as much from the misconduct of the *cestui que trusts*, as parties beneficially entitled had from the wrongful acts of their trustees. It would be necessary to take great care in defining what persons should come within the Act. The interpretation clause to which the Lord Chancellor had referred did not meet the difficulty; it merely declared that the heirs and personal representatives of trustees, executors, administrators, and assignees should be held to be trustees. He himself had a Bill on the table to relieve trustees who acted honestly from the results of the breaches of trust of which they might be guilty, and he considered they required relief quite as much as the *cestui que trusts*. In consequence of the difficulty of obtaining private trustees, the South Sea Company had proposed to establish themselves as a corporation for that purpose; but their Bill had, he was glad to say, with his assistance, been defeated. He now understood, however, that some parties had availed themselves of the Limited Liability Act to establish such a company. He entirely objected to the principle of such a company; it would greatly increase the expense to parties. At present a trustee was not and ought not to be paid; it would be impossible properly to estimate the remuneration to which he would be entitled. He strongly objected to the clause which required the sanction of a judge previous to commencing a prosecution: such a case would always go to a jury with a strong prejudice in favour of the judge's fiat.

Lord Brougham said, that, on his suggestion, the Law Amendment Society had appointed a committee to inquire into this subject, and they came to the conclusion that frauds by trustees, quasi-trustees, and executors were much more numerous than could have been supposed. It was also found that these frauds were chiefly committed by persons in moderate circumstances—for this obvious reason, that persons in affluent circumstances could always have the advice of an attorney to direct them. It was also found that there were numerous cases where poor men were compelled to sue trustees or executors for small sums of £400 or £500, which they had appropriated. He had heard of an instance of a gentleman of eminence in the legal profession who had spent the whole of the trust property confided to his charge, died insolvent, and left his wards on the parish. Still worse, he had heard of a judge who had done the same thing. It was desirable that the Courts of Chancery should have the power, where it was proved that a trustee had speculated with trust funds and gained a profit, of compelling him to restore those profits.

Lord Wensleydale did not rise to oppose the second reading, considering the measure well entitled to their Lordships' attention. It had been much improved since it was first introduced in the Commons; and he hoped that further amendments would be introduced by their Lordships. He did not think it desirable to require the sanction of a judge or of the Attorney-General before a prosecution was instituted. In revenue or political prosecutions the sanction of the Attorney-General was required, also in prosecutions for violations of the laws relating to the press; but no such sanction was required in any other Act of this nature.

The Bill was then read a second time.

Trustees' Relief Bill.

On the motion of Lord St. Leonards, this Bill was read a second time.

The Lord Chancellor gave it a general approval, but said that he should propose amendments in committee.

The Business of the House.

On the motion of Lord Redesdale, the following resolution were agreed to:—

"That this House will not read any Bill a second time after Friday, the 7th day of August, except Bills of Aid or Supply, or any Bill in relation to which the House shall have resolved, before the second reading is moved, that the circumstances which render legislation on the subject of the same expedient are either of such recent occurrence or real urgency as to render the immediate consideration of the same necessary.

"That on Friday, the 7th day of August next, the Bills which are entered for consideration on the minutes of the day shall have the same precedence which Bills have on Tuesdays and Thursdays."

## HOUSE OF COMMONS.

*Friday, July 24.*

Divorce and Matrimonial Causes Bill.

Upon the order for the second reading of this Bill being read, Mr. Henley moved that it be read that day month. The House would recollect, that, as the law at present stood, persons who required a dissolution of marriage were obliged to go through three distinct operations—one in the eccle

siastical court, a second in a court of common law, and the third in the House of Lords, by way of privilege. Such being the state of the law, the Government, in 1853, issued a commission to inquire into the present state of the law of divorce *à vinculo matrimonii*. The Commissioners met, and agreed to resolutions. In the following year a Bill was brought into the House of Lords, and passed. Nothing, however, came of it, and so the matter rested until this year, when the present Bill was introduced, and passed through the House of Lords. With the view of showing how impressions had varied on the subject, he would proceed to contrast the recommendations of the Commissioners and the two Bills which had been agreed to by the other House with each other. In the first place, the report of the Commissioners recommended as a tribunal for the consideration of matrimonial causes a court consisting of three permanent judges. In 1854 it was proposed to throw this matter upon the Court of Chancery. The present Bill proposed the creation of a new court, consisting of the Lord Chancellor, the two Lord Chief Justices, and the Lord Chief Baron, and the judge of the Court of Probate, of whom three were to be a quorum. With regard to the subject of appeal, the Commissioners recommended a general appeal to the House of Lords. In the measure of 1854, the appeal was to be similar to the appeals from the Court of Chancery, and therefore with an ultimate appeal to the Lords. At present it was proposed that there should be no appeal on questions of fact, but upon questions of law an appeal was given to the House of Lords. Again, the Commissioners, after considerable deliberation, came to the conclusion that questions of fact should be left to the judges, and that a jury should not be summoned. In 1854, the House of Lords was still of opinion that there should be no jury. When the present Bill was first brought forward, there was to be a jury—not of right in every case, but only where, in the discretion of the judge, it was thought fit to summon one. During the discussion of the subject the mind of the House underwent a change; and as the Bill came down, it gave a jury as a matter of right. The Bill dealt not only with divorce *à vinculo matrimonii*, but also with what it called judicial separation—a state of things better described as divorce *à mensâ et thoro*. The Commissioners thought that divorce *à mensâ et thoro* should follow gross cruelty, conjugal infidelity, and wilful desertion, the latter also being provided for in the alternative by a decree for alimony. In 1854, desertion for three years was made one of the grounds of this divorce. Then came the Bill of this year, which fixed the period of desertion at two years. The Bill of 1857 also contained a very curious provision, giving the wife, upon desertion by the husband for twelve months, the right to her earnings as against him and his creditors. This right was to be secured by the decision of one magistrate, from whom an appeal would lie to two. Both the Bills—that of 1857 as well as that of 1854—fixed the ground of divorce *à vinculo*, if applied for by the husband, upon adultery only. With regard to the wife, the Commissioners recommended that this species of divorce should be granted to the wife in cases of "aggravated enormity"—a phrase which they explained as including incest and bigamy. The measure of 1854, increased the grounds of divorce, so it included incestuous adultery and unnatural offences, or attempts to commit them, while it omitted bigamy. The measure of 1857 gave the right of divorce to the woman in the following cases:—1st. Incestuous adultery; 2. Bigamy; 3. Adultery, with gross cruelty; and 4. Adultery, with desertion for two years. Here were most important variations. He must also refer to the subject of remarriage. Conscious of the difficulty by which this point was surrounded, the Commissioners gave no opinion whatever upon it. The Bill, however, as it finally came down, proposed that the parties should be allowed to marry again. With respect to the action of *crim. con.* as the present Bill came down, the action was abolished, but in getting at this result great uncertainty of purpose had been exhibited. At first the action was to be retained, but it was to be brought after instead of before the divorce; then it was proposed to make criminal conversation a misdemeanor; ultimately a fine was proposed and the action abolished. Now there were but few cases coming within the scope of this Bill. Taking the average of the years from 1834 to the present time, he found that the number of cases of divorce *à vinculo* averaged only about three per annum. He could get no information as to the present average of suits for divorce *à mensâ et thoro;* but by the Report published in 1832 he found that the whole number of causes in all the courts of England for 1827, '28, '29, was 101, and of that number there were sixteen in the Arches Court of London, and forty-two in the Consistory Court; that was to say fifty-eight altogether in London, and forty-three in the country; so that by the Bill two-fifths of the jurisdiction would be swept away, and no remedy provided for the people.

The House divided, and the numbers were—For the postponement, 130; against it, 217: majority, 87.

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*Monday, July* 27.

MUNICIPAL CORPORATIONS BILL.

This Bill was read a third time and passed.

*Thursday, July* 30.

PUBLIC BUSINESS.

Lord PALMERSTON, in reply to a question put by Mr. HADFIELD as to the intention of the Government with respect to certain Bills before the House, said, with respect to the Probate and Divorce Bills, her Majesty's Government considered those measures of great importance, and inasmuch as they had been before Parliament now for some time, he trusted that the House would give time and attention to those measures, so that they might be disposed of during the present session. There were eight Bills which had come down from the House of Lords limited to the consolidation of existing laws. If this House would follow the example of the House of Lords, and adopt those Bills on the faith of the integrity of the Commission having made a mere consolidation of existing law, then they would have made a great step towards the object of that Commission, and the Bills would form the basis for future steps in that direction. But if the House proceeded to discuss the measures clause by clause in committee, it would be seen at once that the task would be endless, and all attempts at consolidation would be useless.

Mr. HARDY did not know whether the statement which the noble Lord made with respect to the so-called consolidation Bills being purely consolidatory in their character, was made from his own knowledge. He reminded the House that the Bills which were said to be mere consolidations, which were laid upon the table of the Lords last year, really went further, and altered the law in some particulars. On the other hand, if they were amending as well as consolidating Bills, he did not see how the House could abdicate its proper function of duly considering their provisions.

DIVORCE AND MATRIMONIAL CAUSES BILL.

The ATTORNEY-GENERAL, in rising to move the second reading of the Bill, said that the Bill, in fact, only embodied long established rules. It was intended to give to these rules a distinct place in the law, to remove the inconveniences attending the present practice—but the law would remain what it was now, what it had for the last two centuries been understood to be. He would attempt to show this by sketching briefly the history of the existing law. Anterior to the Reformation, the doctrine of the indissolubility of marriage prevailed. The whole subject of marriage and divorce was under the jurisdiction of the ecclesiastical courts. When the Reformation came, new views were taken of the question; the doctrine that marriage was a sacrament was no longer the teaching of the Church. In the time of Henry VIII. and Edward VI. statutes were passed delegating to well-chosen Commissions the task of reforming the law in this particular. The result of the inquiry was a report, that marriage should be dissolved for two or three causes, amongst which the chief was adultery. But if the Reformation was faulty at all, it was in reference to the ecclesiastical tribunals. Those ecclesiastical tribunals, instead of being regarded as royal courts, deriving their authority from the Crown, and administering the common law of the land, were permitted to retain their ecclesiastical character. The result was, that for a considerable period—probably for a century after the Reformation—marriage was dissoluble by the sentence of the ecclesiastical courts on the ground of adultery. But about the commencement of the seventeenth century, the old law was restored by a decision of the Court of Star Chamber, denying the right of the ecclesiastical courts to grant divorce *à vinculo*. The result was, that the ancient imperfect jurisdiction of the ecclesiastical courts alone remained; and no other tribunal was provided with power to sever the tie of marriage. The matter continued in this state—some slight interruption at the time of the Commonwealth excepted—until Parliament came to the relief of the law, and of the necessities of the country, by establishing that system of divorce which has since been administered through the medium of a legislative assembly, upon grounds, however, purely judicial. It was an undoubted fact, therefore, that, from the time of the Reformation

until now, the necessity of having a change in the purely ecclesiastical law, and the necessity of introducing the principle that marriage should be dissoluble for adultery, had been recognised by the Legislature, and, for a considerable period, by the ecclesiastical tribunals. It was impossible to continue, after the Reformation, a system which was directly at variance with the exigencies of human nature. Previously to the Reformation, the strictness of the law had led to that which all unduly strict laws did lead to, the invention of various fictions by which its letter could be got over. But, after the Reformation, these were unavailing, and the fact was that after the decision of the Star Chamber, there was greater difficulty than ever in obtaining a divorce *à vinculo matrimonii*. This state of things was ended in the manner he had already stated, and, in course of time, the interference of Parliament became a matter of course; its practice became settled, its rules known, the ground of its decisions collected and arranged; and thus, though in name legislative, the remedy was as purely judicial in reality as any remedy afforded by an ordinary court of justice. In the course of the jurisdiction exercised by the House of Lords, and after them by the House of Commons, certain exceptions had been established to the general principle that marriage was dissoluble for adultery, and the rule of law might be thus simply stated:—An injured husband who established a case against his wife was entitled to a divorce, unless it could be proved that he had been guilty of collusion or of connivance, unless he was open to recrimination, and had been guilty of acts which would entitle the wife to be separated from him by a decree of the ecclesiastical court. That rule had been established as to the right of the husband to obtain a divorce, but the House of Lords had imposed certain conditions upon applicants. A husband must first prove adultery in the ecclesiastical court, and obtain therefrom a sentence of divorce *à mensâ et thoro*; and he must, in the second place, bring and recover damages in an action of *crim. con.*, and he had then to prove the adultery a third time before the House of Lords. These requisites complied with, the husband in the case of his wife's adultery was entitled to a divorce *à vinculo*. With regard to the wife, the rule was fixed that the simple ground of adultery of the husband did not entitle her to a divorce; but by four distinct precedents it was well established that divorce should be granted upon the wife's application where the adultery on the part of the husband was incestuous, where he had committed bigamy, or where such aggravated circumstances had occurred as rendered it impossible for the parties again to come together. Beyond this—with one exception, viz. the case of adultery attended with malicious desertion by the husband—the Bill before the House did not propose to go. Thus, so far as the Bill was concerned, no material change in the law would be made—the mode of procedure alone would be altered. In lieu of trying the question of adultery in three different courts, and once in the absence of the wife, by the abominable action of *crim. con.*, the whole matter would at once be disposed of before a court competent to decide in a suit in which the injured person would be plaintiff, and the wife and the adulterer defendants. He came next to a topic which was a fruitful source of difficulty and vexation. He meant the intermarriage of the guilty parties, and also whether clergymen of the Church of England should be compelled to celebrate such marriage. The Church of England was bound to obey the law; and he could not conceive a more dangerous doctrine than that the individual scruples of clergymen should be set up in opposition to the law. He would now call attention to one point connected with the procedure. He had stated that the action for *crim. con.* was to be entirely abolished. In one section of the Bill it was provided that the new court, in pronouncing for a divorce, should have the power to impose a fine on the adulterer, but no power was given as to its application. If that section were preserved, it might be worthy of consideration whether the fine might not be made the means of imposing a penalty, and giving a compensation to the husband. In the new tribunal, the primary business would be conducted by the ordinary judge, but the more vital points would be brought before the full court, consisting of the Lord Chancellor and two of the chiefs of the common law courts. Passing to the other matters embodied in the Bill, he thought that a great improvement in the law would be effected by enacting that the proceeding hitherto confined to the Ecclesiastical Courts, viz. the sentence of divorce *á mensâ et thoro*, improperly called divorce (but which was really no more than a sentence regulating the terms of separation in cases where for some cause or other it was not proper for the husband and wife to continue to live together), that this sentence of so-called divorce should be converted into a sentence of judicial separation. Divorce *á mensâ et thoro* was imperfect and insufficient for its own purposes. The wife was still entitled to dower and the husband to the property of the wife, and many cases of great barbarity had occurred, consequent upon the husband exercising his power, and seizing upon the hard-earned gains of the wife's industry to dissipate them in extravagance and immorality. Such were the material features of the Bill, to which, in moving the second reading, he thought it necessary to direct attention.

Sis W. Heathcote moved as an amendment that the bill be read a second time that day six months.

The debate was adjourned till Friday.

## PRIVATE BILLS.—(*From a Correspondent.*)

Friday Evening.

The House of Lords have, as usual, waited till all the opposed Bills were before them, and set themselves vigorously to work to clear the list. In one Committee, of which the Marquis of Clanricarde is Chairman, the North Level Bill was disposed of in as many hours as it was days before the Commons; and two Kent Railways, the Herne Bay and Faversham Railway, and South Eastern (Greenwich Junction to Dartford) Railway Bills, which are respectively promoted by the deadliest rivals, the East Kent and South Eastern Companies, were next brought before them. The South Eastern Bill, after three days' contest, was rejected, so that the country from Rochester to London is open to both companies for another year.

On Monday last, to the surprise of promoters and opponents, two Committees on opposed Bills were appointed to sit on the following morning.

The Marquis of Westminster's Committee had a miscellaneous bill of fare before them in the shape of the Taff Vale Railway, Swansea Docks, and Tweed Fisheries Bills. The Swansea Bill was quickly disposed of, and the Tweed Fisheries was finished on Thursday—both of the last-named Bills being passed by the Committee. The Taff Vale was taken on Friday morning, and most of the oppositions being settled, the Bill was passed after two hours' discussion.

The Committee, on which the Duke of Norfolk was Chairman, passed the South Staffordshire Water Bill, and the Metropolitan Railway Bill, on the first day of their session. There was a sharp opposition to the Caledonian Railway (Line to Granton) Bill, which continued for two days, and the last Bill before them The Richmond and Kew Railway Bill, was strongly opposed, by, amongst others, the Duke of Cambridge, and was ultimately rejected.

The Committee on the memorable Mersey Conservancy Bill met on Wednesday, Lord Chichester in the chair, and are proceeding with the promoters' case. From the present appearance of matters, it looks as if the opponents have not much faith in their case, as, instead of the room being crowded like the pit of a theatre, as was the case in the Commons, a very small deputation of Liverpool faces represent the town. The Town Clerk of Manchester, Mr. Heron, has been under a lengthened examination both yesterday and to-day.

Three Bills—viz. the Thames Conservancy, North Western Railway, and Finsbury Park Bills, were committed on Monday night for Tuesday morning, and were all passed on Wednesday.

There are no opposed Bills now waiting for Committee; and with the exception of the Committee on the Mersey Conservancy Bill, the business may be said to be over. In spite of the opposition of the South Eastern Railway Company, the Committee have passed the Herne Bay and Faversham Bill.

## ELECTION COMMITTEES.—(*From a Correspondent.*)

Friday Evening.

Gloucester.—The Committee had to consider petitions against both members, Sir R. Carden and Mr. Price, and commenced with Mr. Price. From the statement of the sitting member, Sir Robert Carden, it appears that the petition against his co-member, Mr. Price, was a set-off against the attempt of Mr. Price's party to turn him out. The Committee reported that both members were duly elected, but that the evidence given against Sir Robert Carden was most unsatisfactory. One case of bribery was reported against Mr. Price, but the Committee decided that it was not proved to have been done with his consent.

Huntingdon.—There is a peculiarity in this case which is as follows:—Three members started for the borough; and two of them, Mr. Fellowes and Mr. Heathcote, polled the same number of votes, 1,106. The charges of bribery were withdrawn on both sides, and the proceedings of the meetings were confined

to a scrutiny, which terminated in the middle of the day on Friday, by Mr. Heathcote retiring, and leaving Mr. Fellowes in possession of the seat.

Ipswich.—The Committee first proceeded with the petition against Mr. Adair, from whose evidence it appeared that he had no committee-rooms nor any authorised committee. The Committee decided that Mr. Adair was duly elected. They reported five cases of bribery as having been proved, but without the knowledge of Mr. Adair. The Committee after a very lengthened deliberation have decided that Mr. Cobbold is duly elected.

Great Yarmouth.—From all accounts Great Yarmouth is a pleasanter place at an election than most boroughs. One of the charges against the sitting member was, that forty-eight electors sat down together to dinner, and drank their bottle of wine a-head sociably. There was no taking men into obscure public houses and giving them brandy-and-water on the sly, but the company sat down at an hotel situate on the beach. The two sitting members were Mr. M'Cullagh and Mr. William Watkin. The Committee decided that neither of the hon. members should retain his seat. Six cases of bribery were reported, but without the knowledge of the sitting members.

The Committees on the Beverley, Sligo, Dublin (city), and Drogheda cases commenced their sittings on Friday. The first case involves a question of qualification. The particulars shall be given in next week's paper.

Some excitement is felt about the Drogheda case, as a petition has been presented complaining that threats and intimidation have been used towards the witnesses.

The Sligo case came to a quick determination on Friday afternoon by the Committee deciding that several votes were wrongly rejected, and Mr. Wynn was declared elected by the Committee, and Mr. Patrick Somers was unseated.

## Births, Marriages, and Deaths.

### BIRTHS.

CARNE—On July 26, at Dimland Castle, Glamorganshire, the wife of John W. Nicholl Carne, D.C.L., and Barrister-at-Law, of a daughter.

HANNAY—On July 28, at Leamington, the wife of William Hannay, Esq., Solicitor, of a son.

HARRIS—On July 22, at Barnet, Herts, the wife of Stanley Harris, Esq., Solicitor, of a daughter.

ROWLAND—On July 29, at Berwick, the wife of Jonathan Rowland, Esq., Solicitor, of a daughter.

### MARRIAGES.

M'FARLAND—JEFFREYS—On July 21, at St. Peter's Church, Dublin, Alfred M'Farland, Esq., Judge, West Australia, to Janetta, fourth daughter of Captain Richard Jeffreys, Barrackmaster, Portobello district.

MANFIELD—RHODES—On July 25, at St. Matthew's, Denmark-hill, by the Rev. Stephen Bridge, M.A., Incumbent, William, only son of William Manfield, Esq., of Dorchester and Portisham, Dorset, to Lucina Susanna, second daughter of Charles Henry Rhodes, Esq., of Denmark-hill, Surrey.

OFFER—HANCOCK—On July 25, at St. Barnabas, Kensington, Thomas Offer, Esq., of Bath, to Mary Ann, daughter of the late William Hancock, Esq., Solicitor, of Bermondsey.

REES—PUZEY—On July 23, at Bishopstone, Wilts, by the Rev. H. F. Beasley, D. Rees, Esq., of Cardiff, Glamorganshire, Solicitor, to Margaret Elizabeth, youngest daughter of the late J. W. Puzey, Esq., of Bishopstone.

### DEATHS.

JACOBS—On July 27, at 41 Norland-square, Notting-hill, Emma Lawrence, youngest child of Mr. William Jacobs, Solicitor, aged 5 months.

M'ENTEER—On July 25, at Hastings, after a long illness, Thomas M'Enteer, Esq., Barrister-at-Law.

POWER—On July 24, at 6, Eccleston-terrace, Eccleston-square, aged 11 years and 10 months, Charles James Stuart Power, third son of Edward Power, Esq., Barrister-at-Law.

STRANGE—On July 24, aged 35, Robert Anstruther Strange, fifth son of the late Sir Thomas A. Strange, formerly Chief Justice of Madras.

## Unclaimed Stock in the Bank of England.

*The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—*

Belfour, Edmund, Gent., College of Surgeons, Lincoln's-inn-fields, and Rev. John Henry Howlett, Young-st., Kensington, £31 : 16 : 10 New 3 per Cents.—Claimed by Edmund Belfour and Rev. John Henry Howlett.

Dumbleton, Henry, Esq., Hawley-house, Southampton, and Ellen Dumbleton, his wife, £598 : 10 : 10 New 3 per Cents.—Claimed by Henry Dumbleton, and Ellen Dumbleton, his wife.

Hooper, William, Carpenter, Charlton-street, Marylebone, £50 Consols.—Claimed by Thomas Booth, the acting executor.

Marsham, Robert Bullock, D.C.L., Warden of Merton College, Oxford, and Donald Maclean, Esq., Lincoln's-inn, £155 : 11 : 1 Consols.—Claimed by Robert Bullock Marsham and Donald Maclean.

Simkins, James, Butcher, Hatfield, Herts, £368 : 15 : 5 Consols.—Claimed by William James Webb, James Simkins Webb, and Charles Townsend, the executors.

Templetown, Right Hon. John Henry Viscount, and the Right Hon. Fulk Greville Howard, Grosvenor-sq., £1,877 : 19 Reduced.—Claimed by Right Hon. Henry Montagu Viscount Templetown, sole executor of the Right Hon. John Henry Viscount Templetown, the survivor.

## Heirs at Law and Next of Kin.

*Advertised for in the* London Gazette *and elsewhere during the Week.*

Hatton, Samuel Bilby (who died on March 18, 1857), Surveyor, 3 Wilfin-pl., Harleyford-rd., Vauxhall-rd.—Next of kin living at the time of his death, or the personal representatives of such next of kin who may have since died, are to come in and prove their claims on or before Jan. 11, 1858, at V. C. Wood's Chambers.

Labrum, Robert, George Labrum, and Charles Labrum, brothers of Richard Labrum, Seedsman, late of Union-row, New Kent-rd., Surrey, deceased.—Their heirs to apply to William Pennell, Esq., 3 Guildhall-chambers, London.

Palmer, Capt. John (who died at Richmond in 1794), Stratton-st., Piccadilly, and Queen-sq., Westminster.—Heirs at law or next of kin to apply to S. Joy, 7 Salmon's-la., Limehouse, Middlesex, near Britannia-bridge.

## Money Market.

CITY, Friday Evening.

The Indian news of Wednesday was announced as rather favourable, notwithstanding it informed us that it had been found necessary to disarm the native troops at Calcutta—that there was a general spread of revolt in the Bengal army—that it had been deemed proper to arrest the ex-King of Oude and place him in confinement in Fort William—that General Barnard was waiting for reinforcements to attack the insurgents—and that the mail from Bombay did not bring intelligence of the capture of Delhi.

Although it suited that part of the daily press which supports Government to give a pleasant colour to this gloomy intelligence, the Stock Exchange has not manifested in its operations any appearance of active sympathy. The English Funds have gradually receeded ⅛ per Cent. since this news was received, and are now one per Cent. below the price of this day week. Full rates are being paid on loans, the demand for money is become more active, and a large requirement of silver for exportation to the East is again in extensive operation.

From the Bank of England return for the week ending the 25th July, 1857, which we give below, it appears that the amount of notes in circulation is £19,577,395, being a decrease of £400,605; and the stock of bullion in both departments is £11,672,978, showing a decrease of £167,674 when compared with the previous return.

The returns of the Board of Trade show a small decrease in exports for the month of June last, compared with June, 1856. This is the first time this year that an increase in exportation has not been shown. The decrease is but £30,247 in the aggregate.

Reports from the manufacturing districts represent that trade continues in a healthy state, and the demand steady, except for goods suitable for India, in which no transactions are taking place. All parties anxiously wait for more decided intelligence.

Letters from France state that the harvest there surpasses all expectation. The accounts of the harvest in England are also very favourable; but the downward tendency in the price of grain does not appear to have received any fresh impulse during the present week.

The circumstances connected with the failure of the London and Eastern Banking Corporation will not make so deep an impression on the public mind as some other failures, because, fortunately for the share-holders, the winding up and the liquidation of claims remain in the hands of the Corporation, and are likely to be accomplished without any great degree of public exposure, and it may be hoped without any ruinous amount of costs. Some of these circumstances are perhaps more remarkable than those which have attended on any other bank, and form a very curious chapter in the history of Joint Stock Banks. It does not appear in this case that there is any pretence for saying that shareholders have been induced to take shares in consequence of fraudulent misrepresentations. They and their property are fairly liable for the debts of the bank, and there is no alternative for them but to pay the amount. The statement of accounts laid before the meeting held on the 20th July embraces the result of liquidation from the 11th April to the 11th July. It is stated that the branches in India, at Bombay and Calcutta, have been prudently conducted, and that the only operations resulting in loss have originated at the head office.

It appeared at the previous meeting that more than the entire paid-up capital of £250,000 had been advanced in loans to Colonel Waugh, and other directors, including Mr. Stephens, the managing director. The advance to Colonel Waugh amounts to about £200,000. It is also stated that not one of the open accounts of the directors has yet been adjusted. The estimate of loss sustained by the shareholders, in addition to their entire capital, has been raised from £6,320, to £12,710, owing to the disastrous results of the exchange operations carried on by the directors in London to supply themselves with funds, apparently to be dissipated in the same way as the paid up capital. Those shareholders who have not acceded to the arrangement by which their promissory notes were to be given for unpaid capital have been subjected to two calls, each of £15 per share, the first payable on the 24th April last, the second on the 1st August, and steps were to be taken to enforce these calls.

The enormous advance to Colonel Waugh is the most remarkable circumstance connected with the management of this bank, and the final result of the liquidation depends almost entirely on the realisation of the securities held for his debt. The managers of the Bank in India have made over the charge of the branches at Bombay and Calcutta to the agents of the Oriental Bank, by whom the Indian affairs are being wound-up as expeditiously as possible.

## Bank of England.

AN ACCOUNT, PURSUANT TO THE ACT 7TH AND 8TH VICTORIA, C. 32, FOR THE WEEK ENDING ON SATURDAY, THE 25TH DAY OF JULY, 1857.

ISSUE DEPARTMENT.

| | £ | | £ |
|---|---|---|---|
| Notes issued | 25,501,980 | Government Debt | 11,015,100 |
| | | Other Securities | 3,459,900 |
| | | Gold Coin and Bullion | 11,026,980 |
| | | Silver Bullion | ... |
| | £25,501,980 | | £25,501,980 |

BANKING DEPARTMENT.

| | £ | | £ |
|---|---|---|---|
| Proprietors' Capital | 14,553,000 | Government Securities (incl. Dead Weight Annuity) | 10,596,581 |
| Rest | 3,508,739 | Other Securities | 16,051,555 |
| Public Deposits (including Exchequer, Savings' Banks, Commissioners of National Debt, and Dividend Accounts) | 4,219,872 | Notes | 5,924,585 |
| | | Gold and Silver Coin | 645,998 |
| Other Deposits | 10,189,989 | | |
| Seven day & other Bills | 747,119 | | |
| | £33,218,719 | | £33,218,719 |

Dated the 30th day of July, 1857. M. MARSHALL, Chief Cashier.

## English Funds.

| ENGLISH FUNDS. | Sat. | Mon. | Tues. | Wed | Thur. | Fri. |
|---|---|---|---|---|---|---|
| Bank Stock | ... | 216 | 215 16½ | ... | 217 | ... |
| 3 per Cent. Red. Ann. | 91⅝ ⅜ | 91⅝ | 91½ ⅜ | 91½ | 90⅞ | 90⅝ |
| 3 per Cent. Cons. Ann. | 91½ ⅜ | 91⅝ | 91 1⅝ | 91 | 90⅝ ½ | 90⅝ |
| New 3 per Cent. Ann. | 91⅛ | 91⅛ | 91⅛ ⅜ | 91⅜ ¼ | 91 | 90⅛ |
| New 2½ per Cent. Ann. | ... | 77 | ... | ... | ... | ... |
| 5 per Cent. Annuities | ... | ... | ... | ... | ... | ... |
| Long Ann. (exp. Jan. 5, 1860) | 2½ 7-16 | ... | 2 9-16 | 2½ | 2½ | 2½ |
| Do. 30 years (exp. Oct. 10, 1859) | ... | ... | ... | ... | ... | ... |
| Do. 30 years (exp. Jan. 5, 1880) | ... | ... | ... | ... | ... | ... |
| Do. 30 years (exp. Apr. 5, 1885) | ... | ... | ... | ... | 18 1-16 | 18½ |
| India Stock | 216½ | 216 | 214 | 214½ | 214½ | 216 |
| India Bonds (£1,000) | ... | 17s. dis. | ... | 19s. dis. | ... | 25s. dis. |
| Do. (under £1,000) | ... | ... | 20s. dis. | ... | ... | ... |
| Exch. Bills (£1,000) Mar. | 4s. dis. | 1s. dis. | 5s. dis. | 5s. dis. | 1s. dis. | 2s. dis. |
| June | ... | ... | ... | ... | ... | ... |
| Exch. Bills (£500) Mar. | 2s. dis. | 1s. dis. | 1s. dis. | 5s. dis. | ... | 1s. dis. |
| June | ... | ... | ... | ... | ... | ... |
| Exch. Bills (Small) Mar. | 7s. dis. | 1s. dis. | par. | 5s. dis. | 5s. par. | 1s. dis. |
| June | ... | ... | ... | ... | ... | ... |
| Exch. Bills Advertised | ... | ... | ... | ... | ... | ... |
| Exch. Bonds, 1858, 3½ per Cent. | ... | 98⅛ | 98⅞ ⅛ | ... | 98⅛ | 98⅛ |
| Exch. Bonds, 1859, 3½ per Cent. | ... | 98⅛ | ... | 98⅛ | ... | 98⅛ |

## Insurance Companies.

| | |
|---|---|
| Equity and Law | 6 |
| English and Scottish Law | 4½ |
| Law Fire | 4½ |
| Law Life | 62 |
| Law Reversionary Interest | 19 |
| Law Union | par |
| Legal and Commercial | par |
| Legal and General Life | 6½ |
| London and Provincial | 3½ |
| Medical, Legal, and General | par |
| Solicitors' and General | par |

## Railway Stock.

| Railways. | Sat. | Mon. | Tues. | Wed. | Thur | Fri. |
|---|---|---|---|---|---|---|
| Bristol and Exeter | ... | ... | ... | ... | ... | ... |
| Caledonian | ... | 75⅛ | ... | 75⅛ ⅜ | 75⅛ ⅜ | 77 78 |
| Chester and Holyhead | ... | ... | 36 | ... | ... | ... |
| East Anglian | 20½ | ... | 20⅜ | 20½ | ... | ... |
| Eastern Union A stock | ... | ... | ... | ... | ... | ... |
| East Lancashire | 97 | 96½ | ... | ... | ... | 97½ |
| Edinburgh and Glasgow | ... | ... | ... | ... | ... | ... |
| Edin., Perth. & Dundee | 34½ | 34⅜ | 34 | ... | 34½ | ... |
| Glasgow & South Western | ... | ... | ... | ... | ... | ... |
| Great Northern | 98 | 97⅜ ⅛ | 97½ | 97⅜ | ... | ... |
| Gt. South & West. (Ire.) | ... | 104½ | ... | ... | 103⅜ | ... |
| Great Western | 63⅜ | 63⅜ | 63⅜ ⅜ | 64 63⅜ | 63⅜ ⅛ | 64 3½ |
| Lancashire & Yorkshire | ... | 100½ | 99⅛ | 100⅛ ½ | 100⅜ ⅛ | 100⅛ ⅜ |
| Lon., Brighton, & S. Coast | ... | 111⅜ | ... | 111 | 110⅜ | 108 |
| London & North Western | 103½ | ... | 102⅜ 3½ | 103⅜ 3 | ... | 103½ |
| London and S. Western | ... | 100⅜ | 100 | 100⅜ | ... | 99½ |
| Man., Shef., and Lincoln | 43⅞ | 43½ | 43¼ ⅜ | 43½ ⅜ | ... | 44 x.d. |
| Midland | 83⅞ | 83¾ | ... | 83½ ⅛ | 84 | 83½ ¼ |
| Norfolk | ... | ... | ... | ... | ... | 64 |
| North British | 45 | 45⅛ | 45¼ | ... | 46 | 46 |
| North Eastern (Berwick) | 91⅜ | 92 | ... | 93½ 92½ | 92½ 95 | 95 94½ |
| North London | ... | ... | ... | ... | ... | ... |
| Oxford, Worc. & Wolv. | 34½ | 35 | ... | 35 | ... | ... |
| Scottish Central | ... | ... | ... | ... | ... | ... |
| Scot. N.E. Aberdeen Stock | ... | ... | ... | 25 | ... | ... |
| Shropshire Union | ... | ... | 50 | 49 | ... | ... |
| South-Eastern | ... | 74½ | ... | 74⅝ 75 | 74½ | 74⅜ |
| South-Wales | ... | ... | ... | ... | ... | ... |

# London Gazettes.

## NEW MEMBERS OF PARLIAMENT.

TUESDAY, *July* 28, 1857.

*Borough of Woodstock.*—Alfred Spencer Churchill, commonly called Lord Alfred Spencer Churchill, *vice* John Winston Spencer Churchill, commonly called Marquis of Blandford, now Duke of Marlborough.—*July* 27.

*City of London.*—Lionel Nathan de Rothschild, commonly called Baron Lionel Nathan de Rothschild, who accepted the Chiltern Hundreds.—*July* 28.

## COMMISSIONER TO ADMINISTER OATHS IN CHANCERY.

FRIDAY, *July* 31, 1857.

WHITCOMBE, ROBERT HENRY, Bewdley, Gent., Worcester.—*July* 27.

## PERPETUAL COMMISSIONERS FOR TAKING ACKNOWLEDGMENTS OF MARRIED WOMEN.

TUESDAY, *July* 28, 1857.

ARCHER, THOMAS GOODWYN, Gent., King's Lynn, Norfolk; for the county of Norfolk.—*July* 23.

BIRD, JAMES, Gent., Brook-green, Hammersmith; for the county of Middlesex, and city and liberties of Westminster.—*July* 22.

LEY, WILLIAM MERRIMAN, Gent., Bishop's Stortford, Herts; for the county of Herts.—*July* 14.

NETHERSOLE, HENRY, Gent., New-inn, Middlesex; for the county of Middlesex, and city and liberties of Westminster.—*July* 22.

FRIDAY, *July* 31, 1857.

ABRAHAM, GEORGE FREDERICK, Gent., 5 Edward-st., Langham-pl.; for the county of Middlesex, and for the city and liberties of Westminster.—*July* 22.

ARNOLD, GEORGE MATTHEWS, Gent., Gravesend, Kent; for the county of Kent.—*May* 28.

CLOWES, ELLIS, Gent., King's Bench-walk, Inner Temple; for the city of London, county of Middlesex, and city and liberties of Westminster.—*July* 21.

DYTE, HENRY, Gent., King's Bench-walk, Inner Temple; for the county of Middlesex and city and liberties of Westminster.—*July* 21.

GREGORY, MARK HENRY, Gent., Wax Chandlers' Hall, Gresham-st.-west; for the city of London, county of Middlesex, and city and liberties of Westminster.—*July* 21.

HILL, HENRY RIVINGTON, Gent., Throgmorton-st.; for the city of London.—*July* 21.

INGLEBY, CLEMENT MANSFIELD, Gent., Birmingham; for the counties of Warwick, Stafford, and Worcester.—*July* 25.

INGLESANT, JOSEPH, Gent., Loughborough, Leicestershire; for the county of Leicester.—*July* 14.

PEARSE, PETER JOHN THOMAS, Gent., Frederick's-pl., Old Jewry; for the city of London.—*July* 21.

TROW, ADAM PRATTINGTON, Gent., Cleobury Mortimer, Salop; for the county of Salop.—*July* 23.

## Bankrupts.

TUESDAY, *July* 28, 1857.

CARTER, HENRY, Tailor, Worthing, Sussex. Aug. 7 and Sep. 11, at 1; Basinghall-st. *Com.* Fane. *Off. Ass.* Whitmore. *Sol.* Vining, 2 Moorgate-st. *Pet.* July 20.

CATER, WILLIAM, Maltster, late of Ware, Herts, now a prisoner for debt in Hertford Gaol. Aug. 8, at 11, and Sept. 4, at 12; Basinghall-st. *Com.* Fane. *Off. Ass.* Cannan. *Sols.* Wilde, Rees, Humphrey, & Wilde, 21 College-hill, City. *Pet.* July 15.

LAWSON, EDWARD, Draper, 7 Oddy's-rw., Islington. Aug. 11 and Sept. 14, at 1; Basinghall-st. *Com.* Goulburn. *Off. Ass.* Pennell. *Sols.* Ashurst, Son, & Morris, 6 Old Jewry. *Pet.* July 25.

LEWTON, Charles, Publican, Maesteg, Glamorganshire. Aug. 10 and Sept. 14, at 11; Bristol. *Com.* Hill. *Off. Ass.* Acraman. *Sols.* Abbott & Lucas, Bristol. *Pet.* July 27.

LORD, James, Cotton Spinner, Oak Mills, Millgate, Spotland, Rochdale, Lancashire. Aug. 8 and 29, at 12; Manchester. *Off. Ass.* Hernaman. *Sols.* Holgate & Roberts, Rochdale. *Pet.* July 25.

MARSHALL, Thomas, Boot and Shoe Maker, Hartlepool, Durham. First Sitting on Aug. 6 (and not *Aug.* 5, as previously advertised).

OBBARD, Robert Henry, Lead Merchant, 68 Old-st.-rd., Shoreditch. Aug. 6, at 1, and Sept. 4, at 1.30; Basinghall-st. *Com.* Fane. *Off. Ass.* Cannan. *Sol.* Edmunds, 9 St. Bride's-avenue, Fleet-st. *Pet.* July 25.

SEARLE, William Thomas, Builder, Victoria-rd., Deptford, Kent. Aug. 8, at 11.30, and Sept. 4, at 2; Basinghall-st. *Com.* Fane. *Off. Ass.* Whitmore. *Sol.* Harris, 34A Moorgate-st. *Pet.* July 27.

SEXBY, John, Builder, 62 Vauxhall-walk, Lambeth. Aug. 6, at 12, and Sept. 4, at 1; Basinghall-st. *Com.* Fane. *Off. Ass.* Whitmore. *Sol.* Labrow, 22 Chancery-la. *Pet.* July 23.

SHARPER, Dixon, Ship Chandler, West Hartlepool, Durham. Aug. 6 and Sept. 16, at 12; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison. *Off. Ass.* Baker. *Sols.* Forster, Newcastle-upon-Tyne; or Turnbull, Hartlepool. *Pet.* July 21.

WARINGTON, Thomas, Corn and Seed Merchant, New Corn Exchange, Mark-la., and 35 Mark-la. Aug. 11, at 12, and Sept. 14, at 12.30; Basinghall-st. *Com.* Goulburn. *Off. Ass.* Pennell. *Sols.* Young & Plews, 29 Mark-la. *Pet.* July 27.

WHEELER, Richard, Miller, St. Owen, Hereford. Aug. 17, at 11.30, and Aug. 31, at 10.30; Birmingham. *Com.* Balguy. *Off. Ass.* Whitmore. *Sols.* Pritchard, Hereford; or Suckling, Birmingham. *Pet.* July 27.

### Friday, *July* 31, 1857.

BENTHAM, Henry Althorp, Shipowner, Sunderland. Aug. 13, at 12, and Sept. 16, at 12.30; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison. *Off. Ass.* Baker. *Sols.* Ranson & Son, Sunderland. *Pet.* July 28.

BROWN, Humphrey, Shipowner, 2 Little Smith-st., Westminster; Tewkesbury; and of the Queen's Bench Prison, Southwark. Aug. 14, at 11, and Sept. 19, at 12; Basinghall-st. *Com.* Evans. *Off. Ass.* Johnson. *Sols.* Tucker, Greville, & Tucker, 28 St. Swithin's-la. *Pet.* July 29.

CARACAZZANI, Savas, Merchant, Manchester; trading with Stavro Theodoridi Macario Constandinidi and Basilio Joseph under style of St. Theodoridi & Co., at Constantinople, and of S. Caracazzani & Co., at Manchester. Aug. 12 and Sept. 2, at 12; Manchester. *Off. Ass.* Pott. *Sol.* Welsh, Cooper-st., Manchester. *Pet.* July 28.

CASTLE, James, Miller, Little Faringdon Mill, Lechalde, Faringdon, Berks. Aug. 11, at 11, and Sept. 14, at 2; Basinghall-st. *Com.* Goulburn. *Off. Ass.* Pennell. *Sol.* Rogers, 70 Fenchurch-st. *Pet.* July 28.

EDMANDS, Robert, Dealer in Mining and other Shares, 23 Charlotte-st., Bedford-sq., Bloomsbury. Aug. 17 and Sept. 14, at 11; Basinghall-st. *Com.* Goulburn. *Off. Ass.* Nicholson. *Sol.* Chidley, 10 Basinghall-st. *Pet.* July 27.

GLOVER, Reuben Theodore, & Edgar Augustus Glover, Licensed Victuallers, Piccadilly. Aug. 8, at 11, and Sept. 11, at 11.30; Basinghall-st. *Com.* Fane. *Off. Ass.* Cannan. *Sols.* Lawrence, Smith, & Fawdon, 12 Bread-st., Cheapside. *Pet.* July 17.

GREEN, George, Cloth Manufacturer, Mirfield, Yorkshire. Aug. 17 and Sept. 14, at 11.30; Commercial-bldgs., Leeds. *Com.* Ayrton. *Off. Ass.* Hope. *Sols.* Iveson, Heckmondwicke; or Bond & Barwick, Leeds. *Pet.* July 23.

HEMINGWAY, Benjamin (Hemingway & Son), Painter, Derby. Aug. 11 and Sept. 8, at 10.30; Shire-hall, Nottingham. *Com.* Balguy. *Off. Ass.* Harris. *Sol.* Shaw, Derby. *Pet.* July 27.

KINSELLA, Edward, Tailor, 36 New Bond-st. Aug. 8, at 11.30, and Sept. 11, at 2; Basinghall-st. *Com.* Fane. *Off. Ass.* Whitmore. *Sol.* Milburn, 28 Moorgate-st. *Pet.* July 30.

LILLYCRAPP, Edmund, Mason, Old Town-st., Plymouth. Aug. 10 and 31, at 10; Athenæum, Plymouth. *Com.* Bere. *Off. Ass.* Hirtzel. *Sols.* Robins, Plymouth; or Stogdon, Exeter. *Pet.* July 28.

M'KEAN, Andrew, Timber Merchant, Southampton; lately in copartnership with John Ferrier, Southampton (M'Kean, Ferrier, & Co.). Aug. 11, at 1, and Sep. 14, at 1.30; Basinghall-st. *Com.* Goulburn. *Off. Ass.* Nicholson. *Sols.* Westall, 3 South-sq., Gray's-inn, or Coxwell & Bassett, Southampton. *Pet.* July 28.

MORTON, James, Ironmonger, Huntingdon. Aug. 14 and Sep. 11, at 12; Basinghall-st. *Com.* Fane. *Off. Ass.* Cannan. *Sols.* Sewell, Fox, & Sewell, 6 Gresham House, Old Broad-st., or Hunnybun, Huntingdon. *Pet.* July 24.

NEALES, George William, Upholsterer, 482 New Oxford-st. Aug. 11, at 2, and Sep. 15, at 12; Basinghall-st. *Com.* Goulburn. *Off. Ass.* Nicholson. *Sols.* Pocock & Poole, 58 Bartholomew-close. *Pet.* July 30.

PULLIN, George, Baker, 115 Whitecross-st.. Aug. 13, at 11.30., and Sep. 11, at 12; Basinghall-st. *Com.* Fane. *Off. Ass.* Cannan. *Sols.* Wire & Child, 1 Turnwheel-la., Cannon-st. *Pet.* July 30.

ROBINSON, Alexander, Merchant, 1 Gt. St. Helen's. Aug. 12, at 1, and Sep. 14, at 2; Basinghall-st. *Com.* Goulburn. *Off. Ass.* Nicholson. *Sol.* Murray, 11 London-st., Fenchurch-st. *Pet. for Arrgmnt.* May 28.

SIMMONS, James, Marble Merchant, 20 Bridge-ter., Harrow-rd. Aug. 17, at 12, and Sep. 15, at 1; Basinghall-st. *Com.* Goulburn. *Off. Ass.* Pennell. *Sol.* Chidley, 10 Basinghall-st. *Pet.* July 30.

SUTTON, Henry, Builder, Woolden-st., Roscoe-town Plaistow-marsh, Essex. Aug. 12, at 12, and Sep. 14, at 11.30; Basinghall-st. *Com.* Goulburn. *Off. Ass.* Pennell, *Sols.* Philpot & Greenhill, 49 Gracechurch-st. *Pet.* July 21.

THOMPSON, Edwin, Innkeeper, Lydbrook, Gloucestershire. Aug. 11 and Sept. 14, at 11; Bristol. *Com.* Hill. *Off. Ass.* Miller. *Sol.* Bevan, Bristol. *Pet.* July 28.

WELSH POTOSI LEAD & COPPER MINING COMPANY (Limited). Aug. 13, at 1; Basinghall-st. *Com.* Fane. *Off. Liquidator,* Whitmore. *Pet.* July 8.

## BANKRUPTCIES ANNULLED.

### Friday, *July* 31, 1857.

Bates, George, trading as George Bateson, Soda Water Manufacturer and Pork Butcher, Commercial-st., Newport, Monmouthshire. *Pet.* July 30.

Ryland Charles, Merchant, Birmingham. July 29.

## MEETINGS.

### Tuesday, *July* 28, 1857.

Brown, John Hunter, Rope Manufacturer, Sunderland. Aug. 10, at 11; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison. (*By adj.* from June 19) *Last Ex.*

Duncan, Frederick, Merchant, Liverpool. Aug. 18, at 11; Liverpool. *Com.* Perry. *Div.*

Hill, Elizabeth, Coachbuilder, Little Moorfields. Aug. 7, at 11.30; Basinghall-st. *Com.* Fane. (*By adj.* from July 10) *Last Ex.*

Hind, Andrew, Teadealer, 2 and 5 Pleasant-row, Pentonville. Aug. 18, at 12; Basinghall-st. *Com.* Fonblanque. *Div.*

M'Kay, Thomas, & John M'Kay, jun., Hosiers, Newcastle-upon-Tyne. Aug. 10, at 11; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison. (*By adj.* from July 21) *Last Ex.*

Margerison, Charles, & Ernest Benjamin Fort, Wine and Spirit Merchants, 7 Savage-gardens, Tower-hill. Aug. 18, at 12; Basinghall-st. *Com.* Fonblanque. *Div.*

Primrose, Edward, Ivory, Bone-handle, and Scale Dealer, Sheffield. Aug. 8, at 10; Council-hall, Sheffield. *Com.* West. *Choice of Assignees.*

Richardson, Ralph, Builder, Caterham, Surrey. Aug. 18, at 1; Basinghall-st. *Com.* Fonblanque. *Div.*

Taylor, Robert, Draper, Sunderland. Aug. 17, at 12 (and not *Aug.* 5, as previously advertised); Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison. *Second Div.*

Turner, James, Oil and Grease Merchant, Newcastle-upon-Tyne. Aug. 26, at 11 (and not *Aug.* 5, as previously advertised); Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison. *Final Div.*

Williams, George, Draper, Ebbw Vale, Newport, Monmouthshire. Aug. 18, at 10; Guildhall, Broad-st., Bristol. To assent to, or dissent from, the assignees accepting a proposal to compromise an action commenced for the recovery of penalties under Bankrupt Act, 1849.

### Friday, *July* 31, 1857.

Nairn, Philip, Miller, Waren Mills, Belford, Northumberland. Aug. 11, 11.30; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison. *Last Ex.* (*By adj.* from June 30).

Organ, William, Saddler, Walsall, Staffordshire. Aug. 19, at 10.30 Birmingham. *Com.* Balguy. (*By adj. sine die*) *Last Ex.*

## DIVIDENDS.

### Tuesday, *July* 28, 1857.

Bryan, John, Electro-plater, 8 Dyer's-bldgs., Holborn. First, 3*s.* 6*d. Whitmore,* 2 Basinghall-st.; any Wednesday, except between Aug. 8 and Oct. 19, 11 to 3.

Cannon, Charles, Meat, Fruit, and Fish Salesman, Love-la., Eastcheap. Second, 11½*d. Whitmore,* 2 Basinghall-st.; any Wednesday, except between Aug. 8 and Oct. 19, 11 to 3.

Cornell, Thomas, Carver and Gilder, 63 King-st., Regent-st., St. James's-st.; and Roydon, Essex, Farmer. First, 1*s.* 6½*d. Whitmore,* 2 Basinghall-st.; any Wednesday, except between Aug. 8 and Oct. 19, 11 to 3.

Charles, Robert Rumney, & William Fordyce, Paper Manufacturers, Haughton. Second and Final, 8½*d.*, in addition to 2*s.* 6*d.* previously declared. *Baker,* Royal-arcade, Newcastle-upon-Tyne; any day before Friday, Aug. 7, or any Saturday after Oct. 3, 10 to 3.

Hindle, Thomas, Richard Stuttard, & Henry Walmsley, Cloth Manufacturers, Accrington. Second, 8½*d. Hernaman,* 69 Princess-st., Manchester; any Tuesday, 10 to 1.

Hornby, Benjamin, Hotel-keeper, Hoylake, Cheshire. First, 2*s. Cazenove,* 11 Eldon-chambers, South John-st., Liverpool; any Thursday, 11 to 2.

Hughes, Catherine, Grocer, Holywell, Flintshire. First, 2*s. Cazenove,* 11 Eldon-chambers, South John-st., Liverpool; any Thursday, 11 to 2.

Nicholson, John, Surgeon, Walton, Lancashire. Third, 4*d. Turner,* 53 South John-st., Liverpool; any Wednesday, 11 to 2.

Over, Edward, Oil and Colourman, 1 Barrossa-ter., Cambridge-rd., Bethnal-green. Second, 11*d. Whitmore,* 2 Basinghall-st.; any Wednesday, except between Aug. 8 and Oct. 19, 11 to 3.

### Friday, *July* 31, 1857.

Barnes, Robert Yellowley, Floor-cloth Manufacturer, 11 City-rd. Second, 6*d. Pennell,* 3 Guildhall-chambers, Basinghall-st.; any day before Aug. 8, or any Tuesday after Nov. 1, 11 to 2.

Binns, George, & Son, Cloth Manufacturers, Cleckheaton. Second, 2½*d.* joint est.; and first, 20*s.* sep. est. G. Binns. *Young,* 5 Park-row, Leeds; any day till Aug. 7, or after Oct. 5, 10 to 1.

Blackett, Thackray, & Co., Merchants, Manchester. Third, 3½*d. Young,* 5 Park-row, Leeds; any day till Aug. 7, or after Oct. 5, 10 to 1.

Bulmer, William, Grocer, Bedale. First, 2*s. Young,* 5 Park-row, Leeds; any day till Aug. 7, and after Oct. 6, 10 to 1.

Garrard, William Paskell, Wine and Spirit Merchant, 16 Little Tower-st., London. First, 2*s. Pennell,* 3 Guildhall-chambers, Basinghall-st.; any day before Aug. 8, or any Tuesday after Nov. 1, 11 to 2.

Hatfield, J. A., Draper, Bradford. Second, 8*d. Young,* 5 Park-row, Leeds; any day till Aug. 7, or after Oct. 5, 10 to 1.

Huddleston, Mary & Thomas, Cabinetmakers, formerly of Nassau-st., now of 16 Berners-st., Oxford-st. First, 5*s. Pennell,* 3 Guildhall-chambers, Basinghall-st.; any day before Aug. 8, or any Tuesday after Nov. 1, 11 to 2.

Marriott, Thomas, Tailor, Nottingham. First, 2*s. Harris,* Middle Pavement, Nottingham; next Monday, 11 to 3.

Martyn, Henry, Woollen Warehouseman, 170 Bishopgate-st. Without. Second, ½*d. Pennell,* 3 Guildhall-chambers, Basinghall-st.; any day before Aug. 8, or any Tuesday after Nov. 1, 11 to 2.

Overbury, John, Woollen Warehouseman, Frederick's-pl., Old Jewry. First and second, 1*s.* 4*d.* and 1*s.* 6*d. Pennell,* 3 Guildhall-chambers, Basinghall-st.; any day before Aug. 8, or any Tuesday after Nov. 1, 11 to 2.

Redman, Robert, & Edward Redman, Wharfingers, 36 Mark-la. First, 6*d. Pennell,* 3 Guildhall-chambers, Basinghall-st.; any day before Aug. 8, or any Tuesday after Nov. 1, 11 to 2.

Reeve, William, Engineer, 29 Albion-st., Caledonian-rd. First, 4*s. Pennell,* 3 Guildhall-chambers, Basinghall-st.; any day before Aug. 8, or any Tuesday after Nov. 1, 11 to 2.

Teall, E. & R., Boat Builders, Leeds. First, 3*s.* 4*d. Young,* 5 Park-row, Leeds; any day till Aug. 7, or after Oct. 5, 10 to 1.

Thompson, George, Leatherseller, Knaresborough. Second, 2*s.* 2½*d. Young,* 5 Park-row, Leeds; any day till Aug. 7, or after Oct. 5, 10 to 1.

Ward, Bartholomew, Stationer, 71 High-st., Southwark, and 37 St. James's-pl., New-cross. First, 4*s.* 6*d. Pennell,* 3 Guildhall-chambers, Basinghall-st., any day before Aug. 8, or any Tuesday, after Nov. 1, 11 to 2.

WELSH, ROBERT, Woollen Merchant, Huddersfield. First, 1¾d. *Young*, 5 Park-row., Leeds; any day till Aug. 7, or after Oct. 5, 10 to 1.
WILLIFORD, WILLIAM, Wine Merchant, Scarborough. Second, 4s. 6d. *Young*, 5 Park-row., Leeds; any day till Aug. 7, or after Oct. 5, 10 to 1.

CERTIFICATES.

*To be* ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *July* 28, 1857.

ANTHONY, SAMUEL WROTH, Commission Merchant, Liverpool. Aug. 18 at 11; Liverpool.
CAMERON, WILLIAM OGILVIE, Esq. ort Ollman, 9 Camomile-st. Aug. 19, at 1; Basinghall-st.
GIFFORD, SAMUEL, Sailcloth and Canvas Merchant, 72 Mark-lane. Aug. 18, at 1; Basinghall-st.
HENDERSON, ALEXANDER BLOXHAM, Livery Stable Keeper, London-st., Paddington. Aug. 19, at 1; Basinghall-st.
RAWLE, WILLIAM, Broker, Liverpool. Aug. 20, at 11; Liverpool.
RICHARDSON, GEORGE DAVY, Ironfounder, Carlisle. Aug. 18, at 12; Royal-arcade, Newcastle-upon-Tyne.
TAYLOR, ROBERT (Taylor & Co.), Draper, Sunderland. Aug. 17, at 12 (and not *Aug.* 5, as previously advertised); Royal-arcade, Newcastle-upon-Tyne.
THEED, THOMAS FREDERICK, Surgeon, 1 Winchester-st., Waterloo-town, Middlesex. Aug. 19, at 2; Basinghall-st.
WILLIAMS, EDWARD, Plumber, Chester, and Saltney, Flintshire. Aug. 20, at 11; Liverpool.

FRIDAY, *July* 31, 1857.

BUDDEN, CHARLES, Tailor, Basingstoke, Southampton. Aug. 24; Basinghall-st
JOHNSON, GEORGE, Corn Merchant, Billingham, Durham. Aug. 24, at 12.30; Royal-arcade, Newcastle-upon-Tyne.
HORNER, THOMAS, House Decorator, 15 Hart-st., Bloomsbury. Aug. 24, at 2; Basinghall-st.
HUGHES, ENOCH, & WILLIAM ADAMS, Ironfounders, Princes End, Sedgley, Staffordshire. Aug. 31, at 10; Birmingham.

*To be* DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *July* 28, 1857.

BRADSHAW, JAMES, & AARON COLLINSON, Cotton Manufacturers, Burnley, Lancashire. July 23, 1st class to A. Collinson.
EARLE, THOMAS, Railway Contractor, 44 Parliament-st., Westminster. July 20, 2nd class.
FOX, Sir CHARLES, & JOHN HENDERSON, Engineers, London Works, Smethwick, Staffordshire; 8 New-st., Spring-gardens, Westminster; and Fore-st., Limehouse. July 27, 1st class.
ILIFFE, JAMES, Commission Agent, now of Edmund-st., Birmingham, and lately of 53 Watling-st., Cheapside. July 27, 2nd class.
M'LEAN, ROBERT, & JAMES M'LEAN, Builders, Hulme, Manchester. July 24, 3rd class.
PENNY, WILLIAM, Brewer, Newport, Monmouthshire. July 21, 2nd class; to be suspended for six months from July 21.
PEPPER, JOHN, & EDWIN ADDY HOLMES, Grocers, 13 Waingate, Sheffield. July 18, 2nd class.
SHAW, JOHN, & JOSEPH SHAW, Tailors, Sheffield. July 18, 2nd class.
WALTERS, HENRY, & BENJAMIN WALTERS, Druggists, Alfreton, Derbyshire. July 18, 2nd class.
WHISTON, FREDERICK WILLIAM, Druggist, Birmingham. July 24, 3rd class; after a suspension of three months.
WICK, JOHN, Electro Plater, Sheffield. July 18, 1st class.

FRIDAY, *July* 31, 1857.

BENJAMIN, LEWIS, Fish Merchant, 28 Jewry-st., Aldgate. July 21, 2nd class; after a suspension of four months.
BEVAN, EDWARD, Horse Dealer, Kidderminster. July 24, 3rd class.
BRYAN, ROBERT HOFF, Clock and Watch Maker, Lincoln. July 22, 3rd class.
EBSWORTH, THOMAS RILEY, Ale and Beer Merchant, 66 Wapping Wall, Middlesex, and 2 Forest-villa, Forest-hill, Sydenham, Kent. July 24, 2nd class.
SMITH, SAMUEL JOSEPH, Auctioneer, Birmingham. July 24, 2nd class.
SOLOMON, JOHN, Beer Merchant, 96 Vine-st., Minories. June 10, 3rd class; having been suspended for twelve months from passing his last examination.
TILBURY, WILLIAM, Brass Worker, 81 Gt. Titchfield-st., Marylebone, and 14 Cleveland-mews, Fitzroy-sq. July 25, 2nd class.

## Assignments for Benefit of Creditors.

TUESDAY, *July* 28, 1857.

CANWARDEN, JOHN, Farmer, Little Harrowden, Northamptonshire. July 21 and 22. *Trustees*, R. M. Gibbs, Shoe Manufacturer, Wellingborough; T. A. Somes, Farmer, Little Harrowden. *Sols.* Murphy and Sharman, Wellingborough.
DUXFIELD, MARY, Draper, Walker, Northumberland. July 2. *Trustees*, J. Procter, Miller, Willington, Northumberland; J. Hills, Grocer, Sunderland. *Sol.* Story, 16 Market-st., Newcastle-upon-Tyne.
JOHNSON, JOHN, Ironmonger, Swansea, Glamorganshire. July 9. *Trustee*, R. Wadeley, Merchant, Birmingham. *Sol.* Brown, Swansea.
MORAN, MATTHEW MICHAEL, Hosier, 28 High-st., Newington, Surrey. July 13. *Trustees*, R. Hellaby, Warehouseman, Huggin-la., Wood-st., Cheapside; J. D. Allcroft, Wholesale Glove Manufacturer, Wood-st. *Sol.* Turner, 68 Aldermanbury.
OWEN, JOHN, Flour Dealer, Llangefni, Anglesey. July 25. *Sol.* Owen, Upper Bridge-st., Llangefni.
PANKHURST, GEORGE, Butcher, Rye, Sussex. July 9. *Trustees*, J. Piper, Gent., Hawkhurst, Kent; W. Taverner, Woolstapler, Rye. *Sol.* Dawes, Rye.
WATSON, ELIZABETH, Widow, late of Claydon, Oxfordshire, now of Leamington Priors, Warwickshire. July 11. *Trustees*, E. Eagles, Farmer, Staverton, Northamptonshire; T. Martin, Auctioneer, Southam, Warwickshire. *Sols.* R. F. & C. Welchman, Daventry.
WICKSTEAD, JOHN BIRCH, Grocer, Cross-st., Newport, Monmouthshire. July 4. *Trustees*, W. Compton, Grocer; J. Norris, Grocer, both of Newport. *Sol.* Cathcart, Dock-st., Newport.
WOOLLEY, ELIZABETH, Cotton Manufacturer, Manchester. July 11. *Trustees*, A. Winterbottom, Merchant, Manchester; H. Rawson, Sharebroker, Manchester; J. Parkinson, Cotton Merchant, Liverpool. *Sols.* Sale, Worthington, & Shipman, 64 Fountain-st., Manchester.

FRIDAY, *July* 31, 1857.

BENNETT, THOMAS, Brewer, Salford Ford, Apsley Guise, Bedfordshire. July 18. *Trustees*, E. Heighington, Corn Merchant, Woburn; J. Maffey, Maister, Fenny Stratford, Buckinghamshire. *Sol.* Green, Woburn.
BULLAS, STEPHEN, Ironmonger, Dudley, Worcestershire. July 22. *Trustees*, J. Thompson, jun., Painter; P. Griffiths, Builder, both of Dudley. *Sol.* Boddington, Dudley.
CLUFF, JOHN, Farmer, Kettering, Northamptonshire. July 23. *Trustees*, T. Waddington, Auctioneer, Kettering; W. Dale, Farmer, Barton Seagrave, Northamptonshire. *Sol.* Lamb, Kettering.
COLLIER, JOHN, Grocer, Oldham, Lancashire. July 25. *Trustee*, J. Owen, Corn Factor, Manchester. *Sol.* Ponsonby, Oldham.
JAY, MARY, Widow, Worlingham, Suffolk. July 25. *Trustees*, R. Ward, Liquor Merchant, Beccles; W. W. Garnham, Draper, Beccles. Indenture lies at house of R. Ward, Beccles.
MOSS, JOHN, Grocer, Longsight, Manchester. July 1. *Trustees*, J. Bromiley, Grocer, Manchester; T. Hankinson, Grocer, Manchester. *Sol.* Sutton, 16 Marsden-st. Manchester.
REYNOLDS, SETH, Ship Broker, 8 Ward-ter., Sunderland. June 30. *Trustees*, E. Smith, Bookseller, Sunderland; B. Brooks, Innkeeper, Sunderland. *Sols.* Ranson & Son, Sunderland.
ROSE, THOMAS, Draper, St. George's-st. East. July 9. *Trustees*, J. T. Stuttard, Wood-st., W. Parren, Cannon-st., Warehousemen. *Sols.* Mason & Sturt, 7 Gresham-st.
STRANGE, JOHN, Grocer, Kettering, Northampton. July 21. *Trustees*, J. B. Panther, Tanner, Warkton; J. Wells, Grocer, Kettering. *Sol.* Lamb, Kettering.
THORNBACK, WILLIAM, Victualler, Red Cross Public-house, Barbican. July 13. *Trustee*, W. Graham, Distiller, 114 St. John-st., Clerkenwell. *Sol.* Dimmock, 2 Suffolk-la.
WADDY, TOM CHARLES, & TURNER POULTER LEVERETT, Upholsterers, 71 Baker-st., Portman-sq., Middlesex. July 3. *Trustees*, T. Andrews, Gent., Hempstead, Essex; E. Radley, Fringe Manufacturer, 20 Lamb's Conduit-st., Foundling Hospital. *Sol.* Tayloe, 4 Scott's-yd., Cannon-st.

## Creditors under Estates in Chancery.

TUESDAY, *July* 28, 1857.

CROASDAILE, EDWARD (who died in Dec. 1856), Doctor of Medicine, Boulogne-sur-Mer, France, late of Jamaica. Creditors to come in and prove their debts on or before Nov. 17, at V. C. Stuart's Chambers.
FEARNHEAD, PETER (who died in May, 1855), Oakham, Rutlandshire. Creditors and incumbrancers to come in and prove their debts and incumbrances on or before Nov. 10, at Master of the Rolls' Chambers.
LUDLOW, BENJAMIN (who died in Nov. 1852), Linendraper, 4 and 5 Crosby-row, Walworth-rd., Surrey. Creditors to come in and prove their debts or claims on or before Nov. 3, at Master of the Rolls' Chambers.
MANNING, WILLIAM (who died in Feb. 1857), Farmer, Roydon, Norfolk. Creditors to come in and prove their claims on or before Nov. 2, at V. C. Stuart's Chambers.
MOSLEY, MARY (who died in June, 1854), Spinster, Pinstone-st., Sheffield. Creditors to come in and prove their debts on or before Nov. 7, at Master of the Rolls' Chambers.
STARKEY, JOSEPH (who died in April, 1857), Woollen-cloth Manufacturer and Merchant, Woodhouse, Huddersfield, afterwards of Hutton's-lodge, Hutton's Ambo, Yorkshire. Creditors to come in and prove their debts on or before Nov. 9, at V. C. Stuart's Chambers.
TOWNSHEND, THOMAS (who died in Jan. 1848), Gent., Highgate, Middlesex. Creditors to come in and prove their debts on or before Nov. 2, at Master of the Rolls' Chambers.

FRIDAY, *July* 31, 1857.

ABELL, HENRY (who died on Dec. 9, 1856), Gent., Rushey Green, Lewisham, Kent. Creditors and incumbrancers to come in and prove their claims on or before Nov. 7, at Master of the Rolls' Chambers.
GRASLEY, WILLIAM KIME (who died on Oct. 14, 1853), Gent., Holbeach, Lincolnshire. Creditors to come in and prove their debts on or before Oct. 29, at Master of the Rolls' Chambers.
LINDLEY, THOMAS (who died in Jan., 1847), Clerk, Haltongill, Arncliffe, Yorkshire. Creditors to come in and prove their debts on or before Oct. 29, at Master of the Rolls' Chambers.
OLDFIELD, THOMAS ALBION (who died in Feb., 1857), Albion-fields, Islington. Creditors to come in and prove their debts or claims on or before Nov. 5, at V. C. Stuart's Chambers.
STILES, WILLIAM (who died in April, 1857), Coppersmith, 23 Lisle-st., Leicester-sq. Creditors to come in and prove their claims on or before Nov. 1, at V. C. Stuart's Chambers.

## Winding-up of Joint Stock Companies.

FRIDAY, *July* 31, 1857.

FURSDON MANOR MINE COMPANY.—V. C. Wood has peremptorily ordered a call of 10s. per share to be made on all the contributories of this Company; and that each contributory, on or before Aug. 6, pay to W. Turquand, the Official Manager, at 13 Old Jewry-chambers, the balance (if any) which will be due from him after debiting his account in the Company's books with such call.

## Scotch Sequestrations.

TUESDAY, *July* 28, 1857.

HAYNES, ROBERT, late of 6 Symond's Inn, Chancery-la., now residing at 10 South Hanover-st., Edinburgh. Aug. 4, at 3, Stevenson's Rooms, 4 St. Andrew-sq., Edinburgh. *Seq.* July 22.
M'ARTHUR, ALLAN, Merchant, Inveraray. Aug. 5, at 4, George Hotel, Inveraray. *Seq.* July 23.
STEPHEN, WILLIAM (deceased), Shipbuilder, Arbroath. Aug. 5, at 1, White Hart Hotel, Arbroath. *Seq.* July 25.

FRIDAY, *July* 31, 1857.

DEWAR, WILLIAM FORREST, Slater, 184 Gallowgate-st., Glasgow. Aug. 11, at 2, Faculty-hall, St. George's-pl., Glasgow. *Seq.* July 20.
FRASER, ALEXANDER, Boot and Shoe Maker, Perth. Aug. 11, at 1, Procurators'-library, County-bldgs., Perth. *Seq.* July 29.
LUMSDEN, JAMES (James Lumsden & Co.), Warehouseman, Glasgow, August 11, at 2, Glasgow-stock-exchange, National-bank-bldgs., Glasgow. *Seq.* July 29.
WATT, Captain WILLIAM, sometime of the Hope, Banff, at present a prisoner in the prison of Aberdeen. Aug. 4, at 12, Royal-hotel, Union-st., Aberdeen. *Seq.* July 27.
WYNESS, ALEXANDER, Butcher, Inverary. July 31, at 2, at John & Anthony Blaikie's, Advocates, Aberdeen. *Seq.* July 22.